

18 AUGUST 1947

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I N D E X  
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EXHIBITS  
(cont'd)

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1 Monday, 18 August 1947

2 - - -

3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with  
14 the exception of: HONORABLE JUSTICE STUART McDOUGALL,  
15 Member from the Dominion of Canada and HONORABLE  
16 JUSTICE I. M. ZARAYANOV, Member from the USSR., not  
17 sitting from 0930 to 1600.

18 For the Prosecution Section, same as before.

19 For the Defense Section, same as before.

20 - - -

21 (English to Japanese and Japanese  
22 to English interpretation was made by the  
23 Language Section, IMTFE.)  
24  
25

YAMAMOTO

DIRECT

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 K U M A I C H I Y A M A M O T O, resumed the stand  
4 and testified, through Japanese interpreters,  
5 as follows:

6 THE PRESIDENT: Major Blakeney.

7 MR. BLAKENEY: If the Tribunal please, there  
8 was a part of an exhibit omitted from the Japanese  
9 copy last Friday which is now supplied in trans-  
10 lation, and ready for reading. That is exhibit  
11 2935. I therefore suggest that it be read before  
12 we proceed.  
13

14 The reading of the affidavit had progressed  
15 to page 10, the second paragraph of section 19,  
16 where I now resume:

17 "On 26 November there was received from  
18 Ambassadors NOMURA and KURUSU a telegram (Exhibit  
19 2249) suggesting as their opinion that the rela-  
20 tions between the two countries could be improved  
21 by an exchange of telegrams between the President  
22 and the Emperor, the exchange to be followed by a  
23 proposal from Japan for establishment of a  
24 neutralized area. The ambassadors requested that  
25 the Foreign Minister consult concerning their

1 suggestion with the Lord Keeper of the Privy Seal,  
2 and give them a prompt answer. Foreign Minister  
3 TOGO did consult not only with Lord Keeper KIDO,  
4 but also with Premier TOJO, and instructed me to  
5 convey to the ambassadors the result, that all three  
6 of them considered the project to offer no hope of  
7 settlement in the circumstances of the time, and  
8 that it would therefore be improper to adopt it.  
9 This information was conveyed to the ambassadors  
10 (Exhibit 1193). It should, however, be noted that  
11 although the ambassadors had sent their suggestion  
12 on 26 November, before receipt of the United States  
13 note of that date, Foreign Minister TOGO had, before  
14 his consultation with the Premier and the Lord  
15 Keeper, received from the ambassadors an outline  
16 of the American note, from which it appeared that  
17 successful conclusion of the negotiations had become  
18 almost impossible, and that such a scheme as that  
19 proposed by the ambassadors would be unavailing,  
20 defense document No. 1401-I-3, which is offered in  
21 evidence.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Defense document  
24 1401-I-3 will receive exhibit No. 2952.

25 (Whereupon, the document above

referred to was marked defense Exhibit

No. 2952 and received in evidence.)

MR. BLAKENEY: I read the exhibit, which is  
a telegram from NOMURA to TOGO, 26 November 1941:

"Ambassador KURUSU and I talked with Secretary Hull for about two hours from 4:45 P.M. on the 26th.

"Hull stated that the United States for several days had thoroughly examined the modus vivendi proposed by Japan on the 20th of this month (Proposal 'B'), and had fully consulted about it with the countries concerned, but that unfortunately she could not agree to it, and that she was constrained to propose instead a plan (marked 'tentative and without commitment') which was a compromise between the American proposal of 21 June and the Japanese proposal of 25 September. The gist of the plan is as follows:

"(A) Request of approval of the four principles.

"(B) 1. Conclusion of a multilateral non-aggression pact among the British Empire, China, Japan, the Netherlands, the Soviet Union, Thailand and the United States.

"2. Conclusion of an agreement among the United States, the British Empire, China, Japan,

1 the Netherlands and Thailand concerning non-  
2 aggression toward French Indo-China and equal  
3 economic treatment therein.

4 "3. Withdrawal of all Japanese forces  
5 from China and French Indo-China.

6 "4. Assurance that the United States  
7 and Japan will not support any regime in China other  
8 than the Chiang Kai-shek regime.

9 "5. Abolition of extraterritorial  
10 rights and concessions in China.

11 "6. Conclusion of a reciprocal trade  
12 agreement between the United States and Japan on the  
13 basis of the most-favored-nation principle.

14 "7. Reciprocal rescission of the  
15 freezing of assets.

16 "8. Stabilization of the dollar-yen  
17 rate.

18 "9. Understanding that no agreement  
19 which either has concluded with any third powers  
20 shall be interpreted by it in such a way as to con-  
21 flict with the purpose of this agreement and preser-  
22 vation of peace in the Pacific area (a proposal to  
23 make the Tripartite Pact a dead letter).

24 "We argued strongly against the proposal,  
25 saying that it is in conflict with what has been

1 discussed so far and that we were reluctant to make  
2 report of it to Tokyo. However, Hull showed ~~no~~ sign  
3 of concession.

4 "It is presumed that the United States pro-  
5 posed such a strong plan as a result of the victory  
6 of the strong elements in the country over the  
7 supporters of compromise, because of our request to  
8 suspend American aid to Chiang, speeches of our  
9 leaders against Britain and America and the rumor  
10 that Japan requested Thailand to hand over the  
11 entire defense of the latter country, as well as  
12 under the influence of British, Dutch and Chinese  
13 pressure."

14 "20." -- From the affidavit:

15 "The ambassadors at Washington had sent  
16 frequent telegrams to the Foreign Ministry pointing  
17 out the harmful effect upon the Japanese-American  
18 negotiations of anti-American articles in Japanese  
19 newspapers, and Foreign Minister TOGO was concerned  
20 over it. He accordingly endeavored to prevent the  
21 appearance of such injurious publications, hoping  
22 thereby to further the negotiations. The instance  
23 of such control appearing in the Foreign Minister's  
24 telegram of 1 December (Exhibit 1208) was by no means  
25 the first; much earlier, for example, Ambassador Grew

1 had complained of the 'Japan Times' as being par-  
2 ticularly offensive, and the Foreign Minister had  
3 taken prompt and drastic measures against it (de-  
4 fense document No. 206-H)" which is offered in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Defense document 206-H  
7 will receive exhibit No. 2953.

8 (Whereupon, the document above  
9 referred to was marked defense exhibit No.  
10 2953 and received in evidence.)

11 MR. BLAKENEY: I read the exhibit, which  
12 is an "Excerpt from 'Ten Years in Japan,' by Joseph  
13 C. Grew, United States Ambassador to Japan 1932-1942.

14 "November 7, 1941. -- At the Soviet Embassy  
15 reception today, to celebrate their national holiday  
16 (they are the only diplomatic mission which now  
17 holds such receptions), I took occasion to make the  
18 strongest representations to every Japanese to whom  
19 I talked with regard to the 'Times and Advertiser'  
20 editorial, mentioned above, listing seven points as  
21 a program for American 'restitution' to Japan, and  
22 to point out what serious harm the editorial had  
23 done, especially at the moment of sending KURUSU to  
24 the United States to try to bring the current con-  
25 versations to a successful conclusion. I spoke of

1 the utter stupidity of creating such a hostile  
2 atmosphere here and such an unfortunate impression  
3 on the American public at a moment when constructive,  
4 not destructive, results were desired. I made it  
5 clear that it was not my intention to presume to  
6 interfere with the Japanese press but only to point  
7 out factually the inevitable effects in my country  
8 when such editorials, assumed to represent the views  
9 of the Japanese Government since the 'Times and  
10 Advertiser' is known to be controlled by the Foreign  
11 Office, were reprinted in the United States.

12 "TOGO, the Foreign Minister, appeared to  
13 know nothing about the editorial and was sure that it  
14 had not been inspired by the Foreign Office, but he  
15 undertook to look into it and a few moments later  
16 he called Toshi GO, editor of the paper, over to  
17 him and told him what I had said. I also spoke to  
18 Toshi GO, who said that he alone was responsible  
19 for the editorial and had written it himself as  
20 indicating Japan's maximum demands which would  
21 undoubtedly be far beyond what the Government would  
22 ask for in the conversations. I told him that he  
23 could have no conception of the harm that he had done.  
24 Somebody else told me that GO had published the  
25 editorial as a protest against the secrecy under

1 which the conversations were being held.

2 "SHIGEMITSU, with whom I talked, was  
3 thoroughly sympathetic and said that he would do  
4 his best to stop this sort of thing, while  
5 MATSUMOTO, head of Domei, promised me that there  
6 would be an immediate change in the tone and sub-  
7 stance of the Japanese press, and he was as good as  
8 his word because the tone did immediately change  
9 for the better. I think I succeeded in stirring  
10 them all up considerably, so the gathering at the  
11 Soviet party was distinctly useful.

12 "The next time I called on TOGO I repeated  
13 these representations and he replied that while the  
14 Foreign Office had exerted no control over the  
15 'Times and Advertiser' up to the present, it was  
16 jolly well going to exert such control from now on.  
17 The editorial may or may not have been dictated by  
18 the Foreign Office, regardless of what Toshi GO  
19 said. One informant said that it had been so  
20 dictated, but if so, I think it was probably done by  
21 some subordinate official and without the knowledge  
22 of the Minister, who, I am convinced, knew nothing  
23 about it."  
24  
25

1           Returning to the affidavit: "The  
2       Notification Closing Negotiations.

3           "21. The commencement of hostilities was  
4       decided upon on 1 December, through an extraordinary  
5       Cabinet meeting in the morning and an Imperial  
6       Conference in the afternoon (exhibit 588). At the  
7       Imperial Conference, explanations were given by the  
8       Premier and the Foreign Minister of the circumstances,  
9       those explanations being respectively defense docu-  
10      ments 1886 and 1892," the first of which, document  
11      1886, I offer in evidence.

12           THE PRESIDENT: Admitted on the usual terms.

13           CLERK OF THE COURT: Defense document  
14      No. 1886 will receive exhibit No. 2954.

15           (Whereupon, the document above  
16      referred to was marked defense exhibit  
17      No. 2954 and received in evidence.)

18           MR. BLAKENEY: I read the exhibit: "The  
19      Explanation of the Premier at the Imperial Conference  
20      on 1 December.

21           "By the Imperial permission, I will sponsor  
22      the proceedings of the Conference.

23           "In accordance with the decision of the  
24      Imperial Conference of 5 November, the Government has  
25      taken all possible steps, concentrating all its

1 energies, to adjust the relations with the United  
2 States, while the Imperial Army and Navy have made  
3 efforts to complete their preparations for operations.  
4 The United States, however, has not shown any sign  
5 of concession from its past position. Moreover, she  
6 served, jointly with Britain, the Netherlands and  
7 China, new demands such as the unconditional over-all  
8 withdrawal of Japanese troops, the withdrawal of  
9 recognition of the Nanking Government, and the nulli-  
10 fication of the Tripartite Pact, proposing unilateral  
11 concessions by Japan. Should Japan submit to her  
12 demands, not only would Japan's prestige be entirely  
13 destroyed and the solution of the China Affair rendered  
14 impossible, but Japan's existence itself would be  
15 endangered. It is now clear that Japan's claims cannot  
16 be attained through diplomatic measures. Meanwhile,  
17 the United States, Britain, the Netherlands and  
18 China have increasingly strengthened their economic  
19 and military pressure upon Japan. From the viewpoints  
20 both of Japan's national power and of strategy, it is  
21 now utterly impossible for Japan to permit the present  
22 situation to continue any longer. In such circumstances,  
23 Japan now has no other way than to wage war against the  
24 United States, Britain and the Netherlands in order  
25 to achieve a solution of the present critical

1 situation and to secure its existence and self-defense.

2 "We are filled with trepidation to think that  
3 it causes much anxiety to His Imperial Majesty to  
4 plunge into a great war at the present moment when  
5 the China Affair has already lasted for four years.  
6 Upon careful consideration, however, it is my belief  
7 that our national power is now several times as  
8 strong as before the outbreak of the China Affair,  
9 that our national solidarity is all the more tightened,  
10 and that the morale of the Imperial Army and Navy is  
11 exceedingly high. I am convinced that the whole  
12 nation, presenting a united front and laying down  
13 their lives for the sake of the country, will surely  
14 deliver us from the present national crisis. I hope  
15 that you will give due deliberation to the subject  
16 placed before you. Concerning matters of diplomatic  
17 negotiations and military operations, explanation will  
18 be given by the Cabinet ministers concerned and the  
19 High Command."

20 I now offer in evidence defense document  
21 No. 1892.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Defense document No. 1892  
24 will receive exhibit No. 2955.

25 (Whereupon, the document above

1 referred to was marked defense exhibit  
2 No. 2955 and received in evidence.)

3 MR. BLAKENEY: I read the exhibit which  
4 is "The Explanation of the Foreign Minister at the  
5 Imperial Conference on 1 December 1941.

6 "Explanations will be made today chiefly on  
7 the development of the Japanese-American negotiations  
8 after the Imperial Conference of 5 November. To  
9 summarize the circumstances of the negotiations  
10 before that Conference, that is to say to about  
11 the end of October, the United States had insisted  
12 on the following four principles as the basis of  
13 international relations; namely:

14 "(1) Respect for the territorial integrity  
15 and the sovereignty of each and every nation;

16 "(2) Non-interference in the internal  
17 affairs of other countries.

18 "(3) Non-discriminatory treatment in trade;

19 "(4) Non-disturbance of the status quo in  
20 the Pacific except as the status quo may be altered  
21 by peaceful means.

22 The United States insisted on the application of these  
23 principles; expressed doubt as to the peaceful inten-  
24 tion of Japan; raised objections to the stationing of  
25 Japanese troops in China; insisted that the principle

1 of non-discrimination in international trade be  
2 applied unconditionally in China; and demanded that  
3 the Tripartite Pact be rendered in effect a dead  
4 letter. The negotiations, thus faced with difficul-  
5 ties, at last came to an impasse.

6 "Such divergence of views between the two  
7 countries has resulted largely from the fact that  
8 the United States Government obstinately adhered to  
9 the doctrinarian principles to which it had tradi-  
10 tionally submitted, and insisted on their unconditional  
11 application to China and other areas, regardless of  
12 the actual situation prevailing in East Asia. It  
13 was evident that, so long as the United States re-  
14 fused to alter such an attitude, the conclusion of  
15 the present negotiations was extremely difficult.

16 "The present Cabinet considered it proper to  
17 bring about the adjustment of Japanese-American  
18 relations on an equitable basis, and decided to make  
19 all possible concessions and to concentrate its  
20 energies to avert a rupture between Japan and the  
21 United States. From this viewpoint, our previous  
22 proposal of 25 September was moderated with respect  
23 to the following three questions which had so far  
24 been the main points at issue in the Japanese-American  
25 negotiations; namely, (1) the interpretation of the

1 right of self-defense in connection with the Tri-  
2 partite Pact, (2) the principle of non-discrimination  
3 in international trade, and (3) the withdrawal of  
4 Japanese troops from China and French Indo-China.

5 (1) With respect to the problem of the right of self-  
6 defense in connection with the Tripartite Pact, we  
7 proposed that the United States should declare that  
8 she would not make any unwarranted extension of the  
9 interpretation of the right of self-defense, and that,  
10 at the same time, Japan also should make a similar  
11 declaration. (2) With respect to the principle of  
12 non-discrimination, Japan should recognize it to be  
13 applied to China on the understanding that the  
14 principle was to be applied uniformly to the rest of  
15 the world. (3) With regard to the withdrawal of  
16 Japanese troops, it was provided that the Japanese  
17 troops dispatched to China in connection with the  
18 China Affair would be withdrawn within two years  
19 following the restoration of peace between Japan and  
20 China in accordance with the agreement to be entered  
21 into between Japan and China, except those in specified  
22 areas in North China and Mengchiang, as well as Hainan  
23 Island, which would be stationed for such period as  
24 may be necessary. In regard to French Indo-China,  
25 it was revised to stipulate that Japan respects the

1 territorial integrity of French Indo-China, and  
2 that the Japanese troops dispatched thereto will be  
3 withdrawn immediately upon either the settlement of  
4 the China Affair or the establishment of peace in  
5 East Asia on an equitable basis. The Imperial Confer-  
6 ence of 5 November decided upon the above.

7 "In accordance with the decision, the Govern-  
8 ment instructed Ambassador NOMURA to convey to the  
9 United States that Japanese-American relations, which  
10 were on the verge of collapse, could be saved in the  
11 pressing circumstances only through the consummation  
12 of the negotiations on the basis of the present pro-  
13 posal, and that it was earnestly desired that the United  
14 States should, in view of the greatest possible con-  
15 cessions which the Japanese Government had made in  
16 spite of every difficulty, sincerely reconsider the  
17 situation and cooperate with Japan for the sake of the  
18 peace of the Pacific. The negotiations were continued  
19 in Washington thereafter; but meanwhile I had fre-  
20 quent conversations in Tokyo with the American and  
21 British Ambassadors with a view to urging the negotia-  
22 tions. Ambassador NOMURA, beginning with the interview  
23 with Secretary of State Hull on the 7th, met President  
24 Roosevelt on the 10th, and Secretary Hull on the 12th  
25 and the 15th, earnestly endeavoring to promote the

1 negotiations. Meanwhile, in consideration of the  
2 serious situation, the Japanese Government on the  
3 5th dispatched Ambassador KURUSU to the United States  
4 with a view to exhausting every possible diplomatic  
5 effort. He arrived at Washington on the 15th, and,  
6 assisting Ambassador NOMURA, participated in the  
7 negotiations after the 17th. The negotiations were  
8 then already in full swing. From the 7th onward, the  
9 United States was putting questions about various  
10 points as if to sound the true intention of Japan.  
11 The United States, who had insisted on the overthrow  
12 of Hitlerism, demanded that Japan should give up the  
13 policy of force. She seemed to be still apprehensive  
14 of the policy of Japan in connection with the Tri-  
15 partite Pact, and requested that Japan should reaffirm  
16 her peaceful intentions, as stated in the aforementioned  
17 statement of the Japanese Government on 28 August.  
18 Moreover, she repeatedly urged that there would be  
19 no need for Japan to maintain the Tripartite Pact after  
20 the consummation of a Japanese-American agreement,  
21 and expressed her desire that that treaty should  
22 cease to exist or become a dead letter. As regards  
23 the principle of non-discrimination in international  
24 trade, the United States desired to drop the condition  
25 which we proposed, that the principle be applied  
uniformly to the whole world, urging that she had

1 striven for the restoration of freedom of trade. At  
2 the same time, the United States proposed separately  
3 'the Joint Declaration on Economic Policy', and  
4 suggested that the countries should cooperate in  
5 restoring free trade in the whole world; that the  
6 normal commercial relations between the two countries  
7 be restored through conclusion of a Japanese-American  
8 commercial agreement; that, as to China, complete  
9 control over her economic, financial and monetary  
10 affairs should be restored to her; and that a compre-  
11 hensive program of economic development should be  
12 inaugurated in China under international cooperation.  
13 With regard to the withdrawal of Japanese troops  
14 from China, the United States made no special argu-  
15 ment, but only showed disapproval of the permanent or  
16 indefinite stationing of them. It proposed, however,  
17 to employ good offices for direct negotiations between  
18 Japan and China, provided Japan would adopt a peaceful  
19 policy.  
20

21 "The Japanese Government replied that our  
22 proposal of 25 September comprehended all the points  
23 which the United States desired Japan to confirm in  
24 connection with its statement of peaceful intentions  
25 of 28 August, and that the present Cabinet naturally  
had no objection to confirming them. With respect to

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1 the qualification of the principle of non-  
2 discrimination, an answer was made that Japan  
3 desired its application throughout the world, and  
4 that it would recognize the application of the  
5 principle to China depending upon the realization  
6 of that desire. And with respect to the American  
7 proposal for the joint international development of  
8 China, the Japanese Government replied that it was  
9 unacceptable to Japan as it disregarded the actual  
10 state of affairs in China and would open the way  
11 for the joint international control of that country.  
12 It was also replied that Japan had no objection to  
13 the American good offices for peace between Japan  
14 and China. It was at this stage that Ambassador  
15 KURUSU joined in the negotiations. Ambassadors  
16 NOMURA and KURUSU met President Roosevelt on the  
17 17th, and had interviews with Secretary Hull on the  
18 18th, the 20th, the 21st, the 22d and the 26th. In  
19 the interviews of the 17th and the 18th, however, the  
20 President stated that he desired peace between Japan  
21 and the United States, and that he had no intention  
22 either to intervene or to mediate between Japan and  
23 China, but wanted only to be an 'introducer' between  
24 them. On the other hand, the Secretary of State  
25 emphasized that the Japanese-American negotiations

1 would prove difficult as long as Japan cooperated  
2 with Germany, and dwelt upon the necessity of removing  
3 that fundamental difficulty. After exhaustive dis-  
4 cussions it became clear that the difficulty lay as  
5 before in the questions of the Tripartite Pact, the  
6 principle of non-discrimination, and China. There-  
7 upon, the Japanese Government presented on the 20th  
8 a new proposal which simplified the previous proposal  
9 full of propagandistic tone, on the basis of which  
10 the negotiations had so far been conducted; eliminated  
11 the question of the principle of non-discrimination,  
12 upon which an agreement was not readily to be attained,  
13 and also that of the Tripartite Pact, which was left  
14 to a future proposal to be made by the United States;  
15 and requested the United States simply to refrain  
16 from disturbing the peace between Japan and China with  
17 a view to leaving the China problem to direct negotia-  
18 tion between Japan and China. The contents of the  
19 proposal were as follows:

20 "1. Both the Governments of Japan and  
21 the United States undertake not to make any armed  
22 advancement into any of the regions, excepting French  
23 Indo-China, in the South Eastern Asia and the Southern  
24 Pacific area.

25 "2. The Governments of Japan and the United

1 States shall cooperate with a view to securing the  
2 acquisition of those goods and commodities which  
3 the two countries need in the Netherlands East Indies.

4 "3. The Governments of Japan and the United  
5 States mutually undertake to restore their commercial  
6 relations to those prevailing prior to the freezing  
7 of the assets. The Government of the United States  
8 shall supply Japan a required quantity of oil.

9 "4. The Government of the United States  
10 undertakes not to indulge in measures and actions  
11 prejudicial to the endeavors for the restoration of  
12 general peace between Japan and China.

13 "5. The Japanese Government undertakes to  
14 withdraw troops now stationed in French Indo-China  
15 upon either the restoration of peace between Japan  
16 and China or the establishment of an equitable peace  
17 in the Pacific area.

18 "The Government of Japan declares that it  
19 is prepared to remove the Japanese troops now stationed  
20 in the southern part of French Indo-China to the  
21 northern part of the said territory upon the conclusion  
22 of the present agreement.  
23  
24  
25

1           "Regarding the above proposal, the United  
2 States contended that it was impossible to cease  
3 aiding the Chiang Kai-shek regime unless Japan  
4 clarified her relations with the Tripartite Pact and  
5 gave assurance regarding her adoption of a peaceful  
6 policy, and that the President's offer of being an  
7 'introducer' presupposed Japan's adoption of a  
8 peaceful policy. Thereupon, we requested reconsidera-  
9 tion of the United States, pointing out that it  
10 was self-contradictory that the United States should,  
11 after the commencement of the Japanese-Chinese  
12 direct negotiations through the introduction of the  
13 President as proposed by the United States, continue  
14 aid to the Chiang Kai-shek regime, thereby inter-  
15 fering with the peace between the two countries,  
16 the United States being an intermediary of peace.  
17 Nevertheless, the United States failed to show any  
18 sign of concession, refusing to give up aid to the  
19 Chiang Kai-shek regime and repeating her assertions  
20 concerning the Tripartite Pact, although she stated  
21 that she had no objection to Japan's and the  
22 United States' holding leadership in East Asia and  
23 in the Western Hemisphere respectively, and that she  
24 desired the amicable conclusion of the Pacific  
25 agreement.

1           "Meanwhile, the United States Government  
2 consulted with the representatives of Britain,  
3 Australia, the Netherlands and Chungking, and Sec-  
4 retary Hull stated on the 22nd that the above Powers,  
5 though they considered it possible to restore the  
6 normal relations of international trade if Japan's  
7 adoption of a peaceful policy was ascertained,  
8 seemed to intend to realize it gradually, and that  
9 the withdrawal of troops from southern French Indo-  
10 China alone would not be enough, according to their  
11 opinions, to ease the tense situation in the  
12 Southern Pacific. He further revealed that he  
13 considered the time not yet **ripe** for the President's  
14 acting as 'go-between' of peace between Japan and  
15 China.

16           "The United States Government continued  
17 consultations with the representatives of the Powers  
18 above referred to, and Secretary Hull told our two  
19 ambassadors on the 26th that, although the United  
20 States had carefully studied the Japanese proposal  
21 of the 20th and had consulted with the countries  
22 concerned, she could not unfortunately agree to our  
23 proposal, and presented the following new proposals  
24 as being a compromise plan between the American June  
25 proposal and our September proposal. The first

1 proposal was a request for confirmation of the so-  
2 called Four Principles (item 4 thereof was altered  
3 to the principle of reliance upon international  
4 cooperation and conciliation for the prevention of  
5 controversies). It was proposed secondly as the  
6 basis for future negotiations that the two govern-  
7 ments should undertake the following:

8 "1. The Government of the United States  
9 and the Government of Japan will endeavor to  
10 conclude a multilateral non-aggression pact  
11 among the British Empire, China, Japan, the  
12 Netherlands, the Soviet Union, Thailand and the  
13 United States.

14 "2. Both Governments will endeavor to con-  
15 clude among the American, British, Chinese,  
16 Japanese, the Netherlands and Thai Governments  
17 an agreement whereunder each of the Governments  
18 would pledge itself to respect the territorial  
19 integrity of French Indo-China and, in the  
20 event that there should develop a threat to the  
21 territorial integrity of Indo-China, to enter  
22 into immediate consultation with a view to  
23 taking such measures as may be deemed neces-  
24 sary and advisable to meet the threat in ques-  
25 tion.

1 "Such agreement would provide also that  
2 each of the Governments party to the agreement  
3 would not seek or accept preferential treatment  
4 in its trade or economic relations with Indo-  
5 China and would use its influence to obtain  
6 for each of the signatories equality of treat-  
7 ment in trade and commerce with French Indo-  
8 China.

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1 "3. The Government of Japan will withdraw  
2 all military, naval, air and police forces from China  
3 and from Indo-China.

4 "4. The Government of the United States and  
5 the Government of Japan will not support -- militarily,  
6 politically, economically -- any government or regime  
7 in China other than the National Government of the  
8 Republic of China with capital temporarily at Chung-  
9 king.

10 "5. Both Governments will give up all  
11 extraterritorial rights in China, including rights  
12 and interests in and with regard to international  
13 settlements and concessions, and rights under the  
14 Boxer Protocol of 1901.

15 "Both Governments will endeavor to obtain  
16 the agreement of the British and other Governments to  
17 give up extraterritorial rights in China, including  
18 rights in international settlements and concessions  
19 and under the Boxer Protocol of 1901.

20 "6. The Government of the United States  
21 and the Government of Japan will enter into negotia-  
22 tions for the conclusion between the United States  
23 and Japan of a trade agreement, based upon reciprocal  
24 most favored-nation treatment and reduction of trade  
25 barriers by both countries, including an undertaking

1 by the United States to bind raw silk on the free  
2 list.

3 "7. The Government of the United States and  
4 the Government of Japan will, respectively, remove the  
5 freezing restrictions on Japanese funds in the United  
6 States and on American funds in Japan.

7 "8. Both Governments will agree upon a plan  
8 for the stabilization of the dollar-yen rate, with  
9 the allocation of funds adequate for this purpose,  
10 half to be supplied by Japan and half by the United  
11 States.

12 "9. Both Governments will agree that no  
13 agreement which either has concluded with any third  
14 powers shall be interpreted by it in such a way as to  
15 conflict with the fundamental purpose of this agree-  
16 ment, the establishment and preservation of peace  
17 throughout the Pacific area.

18 "10. Both Governments will use their in-  
19 fluence to cause other governments to adhere to and  
20 to give practical application to the basic political  
21 and economic principles set forth in this agreement.

22 "Regarding the above proposal, our Ambassa-  
23 dors pointed out its unreasonableness, and strongly  
24 contended against it, but Secretary Hull did not show  
25 any sign of concession, it was reported. On the

1 27th the President, in an interview with our two  
2 Ambassadors, told them that, although he still hoped  
3 for an amicable conclusion of the Japanese-American  
4 negotiations, he considered, on the basis of the  
5 latest information, that there was danger that cold  
6 water would be dashed upon the United States for the  
7 second time, just as had been done in last July by  
8 the advance of Japanese troops into the southern part  
9 of French Indo-China, and that it would be futile to  
10 try to surmount the crisis by a modus vivendi if the  
11 fundamental policies of the two countries were not  
12 in accord.

13 "It is true that the American proposal con-  
14 tained some acceptable items, such as those concern-  
15 ing international trade (Items VI, VII, VIII) and  
16 the abolition of extraterritorial rights in China  
17 (Item V) but the items concerning China and French  
18 Indo-China (Items II, III) the nonrecognition of the  
19 Nationalist Government of China (Item IV) the dis-  
20 approval of the Tripartite Pact (Item IX) and the  
21 conclusion of a multilateral nonaggression pact  
22 (Item I) are all unacceptable for Japan. In fine,  
23 this proposal is unreasonable, constituting a marked  
24 retrogression from the previous proposals of the  
25 United States and entirely disregarding the course

of negotiations for over half a year.

"In short, the United States Government has persistently adhered to traditional ideas and principles, disregarded the actual situation in East Asia and tried to force Japan to act on those principles which the United States herself would not observe. Throughout the present negotiations, lasting for the past seven months, the United States has made no concessions from her original stand, in spite of the various concessions made frequently by Japan.

"It has been a consistent policy of the United States to obstruct Japan's efforts toward the establishment of the new order in East Asia, which constitutes our immutable national policy. If we accepted the present proposal of the United States, Japan would be in an international position inferior even to that which it had held before the outbreak of the Manchurian incident, and its very existence would also be endangered.

"1. China under the rules of Chiang Kai-shek would become even more disposed to depend upon Britain and the United States, and Japan would have to break its faith with the National Government of China. The friendly relations between Japan and

1 China would be ruined for years to come. Japan  
2 would be compelled to retreat completely from the  
3 continent; the status of Manchoukuo would accordingly  
4 be exposed to all dangers; and we would lose all  
5 means to carry through the China Affair.

6 "2. Britain and the United States would  
7 reign over these areas as leaders. Japan would  
8 entirely lose its authority as well as its position  
9 as the stabilizing power of East Asia, and the work  
10 of establishing the new order in East Asia would  
11 collapse midway.

12 "3. The Tripartite Pact would become a mere  
13 scrap of paper, and Japan would have to forfeit its  
14 national good faith.

15 "4. The design to restrain Japan by the  
16 organization of a collective machinery of Powers,  
17 with the Soviet Union as a new member, would increase  
18 the menace on our northern frontier.

19 "5. As to such principles as that of non-  
20 discrimination in trade, they are not necessarily  
21 to be excluded. However, it is only to carry through  
22 their selfish policy that Britain and the United  
23 States intend to apply these principles exclusively  
24 to the Pacific area, and Japan would have to face  
25 great difficulties in obtaining essential goods and

1 materials which she requires.

2 "All things considered, the above proposal  
3 is utterly unacceptable for Japan, and we cannot help  
4 recognizing that, unless the United States wholly with-  
5 draws it, it is almost impossible to realize fully  
6 our claim by continuing the negotiation further upon  
7 the basis of the present proposal."

8 Resuming the affidavit:

9 "With respect, however, to the date of and  
10 the procedure for commencement of hostilities, there  
11 was no discussion or decision on that day.

12 "The question of the procedure for opening  
13 hostilities first came up for discussion at the Liaison  
14 Conference of the following day, 2 December. On that  
15 occasion the Foreign Minister said that the government  
16 must follow the usual procedure and formalities for  
17 opening hostilities. Discussion followed, and the  
18 Foreign Minister finally said that it was essential  
19 that at the least a notification of termination of  
20 the negotiations be given prior to the initiation of  
21 hostilities. He referred, in this connection, to the  
22 telegram from Ambassador NOMURA to the same effect,  
23 defense document No. 1401-X-2," which is now exhibit  
24 2949, and from which I read the unread portion:

25 "As the United States made this proposal after

1 suspension of the negotiations in the past. Our  
2 resorting to free action without taking steps to  
3 terminate the negotiations not only would be utilized  
4 for counter-propaganda against us, but would preju-  
5 dice the good faith of Japan as a world power. Such  
6 steps, however, involve matters of military secrecy.  
7 It is considered advisable that the negotiations be  
8 terminated, depending upon the decision of the Govern-  
9 ment, either by notification to the American Ambassa-  
10 dor in Tokyo, by an open declaration, or by any other  
11 means. In any case I should like to be informed in  
12 advance so that I can give notification here simul-  
13 taneously.

14 "As I am seeing the President soon, I should  
15 like to be instructed immediately if there is any-  
16 thing which I should bear in mind."

17 Reverting to the affidavit:

18 "The conference adjourned on that day with-  
19 out arriving at any conclusion.

20 "It was at the Liaison Conference of 3  
21 December that the result of further discussions was  
22 embodied in a decision concerning the procedure for  
23 opening war, the decision being that a notification  
24 closing the negotiations would be given at Washington.  
25 I had drafted the notification in accordance with the

1 having conferred with the countries concerned, in  
2 accordance with her long-standing position and be-  
3 cause of our request to obtain their concurrence, we  
4 must maintain close vigilance regarding their inten-  
5 tions. On the other hand, we have, in accordance  
6 with your instructions, pressed them only for speedy  
7 conclusion of the negotiations, and have not, there-  
8 fore, expressed anything in the nature of an ultima-  
9 tum. Moreover, the situation is such that the  
10 President, at the meeting of the 17th, said that  
11 there can be 'no last word.' In such circumstances,  
12 if we resort to freedom of action after the time set  
13 without in some way terminating the present negotia-  
14 tions, it is very likely that the United States, taking  
15 advantage of the fact that she is at present conferring  
16 with the countries concerned, will make propaganda  
17 that Japan prolonged the negotiations with the aim  
18 only of gaining time for preparing for a definite  
19 course of action and launched on the planned action  
20 upon completion of the preparation even while the  
21 negotiations were still being carried on, thereby  
22 shifting to us the responsibility for the rupture of  
23 the negotiations. It should be recalled in this  
24 connection that the United States blamed our  
25 advance into French Indo-China for the

1 suspension of the negotiations in the past. Our  
2 resorting to free action without taking steps to  
3 terminate the negotiations not only would be utilized  
4 for counter-propaganda against us, but would preju-  
5 dice the good faith of Japan as a world power. Such  
6 steps, however, involve matters of military secrecy.  
7 It is considered advisable that the negotiations be  
8 terminated, depending upon the decision of the Govern-  
9 ment, either by notification to the American Ambassa-  
10 dor in Tokyo, by an open declaration, or by any other  
11 means. In any case I should like to be informed in  
12 advance so that I can give notification here simul-  
13 taneously.

14 "As I am seeing the President soon, I should  
15 like to be instructed immediately if there is any-  
16 thing which I should bear in mind."

17 Reverting to the affidavit:

18 "The conference adjourned on that day with-  
19 out arriving at any conclusion.

20 "It was at the Liaison Conference of 3  
21 December that the result of further discussions was  
22 embodied in a decision concerning the procedure for  
23 opening war, the decision being that a notification  
24 closing the negotiations would be given at Washington.  
25 I had drafted the notification in accordance with the

1 decisions of various Liaison Conferences; my draft  
2 had been submitted to the Army and Navy Ministries,  
3 who made some suggestions and changes, and it was  
4 then brought to the Liaison Conference of 4 December  
5 and copies submitted to the participants, and in its  
6 final form was approved by the Conference (exhibit  
7 1245-K). The Foreign Minister told me later that he  
8 had also reported the gist of it to the Cabinet  
9 meeting of 5 December. It was the belief and con-  
10 clusion of the participants in the Liaison Conference  
11 that the intention not only of breaking off the negotia-  
12 tions but of severing relations and going to war was,  
13 in the circumstances then prevailing, clearly expressed  
14 in the concluding words of the document: 'Thus, the  
15 earnest hope of the Japanese Government to adjust  
16 Japanese-American relations and to preserve and promote  
17 the peace of the Pacific through cooperation with the  
18 American Government has finally been lost. The  
19 Japanese Government regrets to have to notify the  
20 American Government that in view of the attitude of  
21 the American Government it cannot but consider that it  
22 is impossible to reach an agreement through further  
23 negotiations.'

24  
25 "22. At the Liaison Conference of 6 December  
the time for delivery of the notification to the

1 American Government was fixed. It was reported by  
2 the Foreign Minister that the decision was to deliver  
3 the notification at 1 P. M., Washington time, 7 Decem-  
4 ber, which would be in advance of the commencement of  
5 hostilities. No members of the Liaison Conference except  
6 those concerned with military operations knew when or  
7 where operations would commence; no one of the Foreign  
8 Ministry knew, or knew that the fleet had sailed from  
9 Hitokappu Bay on 26 November and was approaching  
10 Hawaii, or was informed of any of the other strictly  
11 secret operational plans.

12 "The Foreign Minister thereafter ordered me  
13 to send the text of the notification ahead of time,  
14 to insure its delivery at the time appointed, and  
15 we arranged most carefully that it should reach the  
16 embassy in Washington in ample time to be delivered  
17 to the American Government without fail at 1 P. M. on  
18 7 December. The time of dispatch being also a matter  
19 of concern to the Navy, it was after consultation with  
20 the Navy officials concerned that the earliest time  
21 for dispatching the message was decided.

22 "23. Japan did not notify Britain in advance  
23 of the commencement of hostilities. The Foreign Minis-  
24 ter had long been solicitous over Anglo-Japanese  
25 relations, and had repeatedly attempted to induce the

1 British Government to participate in the Washington  
2 negotiations. Ambassador NOMURA had been directed to  
3 urge the United States to take necessary steps to have  
4 the British and Dutch Governments sign an agreement  
5 simultaneously with the United States, defense docu-  
6 ment No. 1401-C-2," which I offer in evidence.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Defense document  
9 1401-C-2 will receive exhibit No. 2956.

10 (Whereupon, the document above  
11 referred to was marked defense exhibit  
12 No. 2956 and received in evidence.)  
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1 MR. BLAKENEY: I read the exhibit, which is  
2 a telegram from TOGO to NOMURA, 4 November 1941.

3 "Reference to my telegram No. 725.

4 "As Britain is a de facto contracting party  
5 to the present negotiations, and in view of the cir-  
6 cumstances that she possesses extensive rights and  
7 interests in the Far East, it has to be noted that,  
8 when the proposed terms of understanding (this with  
9 respect to both Proposals 'A' and 'B') are to be car-  
10 ried into execution, not only Britain, but also the  
11 Netherlands, must be in a position to carry them out.  
12 Unless there is a definite guarantee on this point,  
13 Japan cannot rest assured by the mere fact of having  
14 reached an understanding with the United States Govern-  
15 ment. It is necessary that Britain and the Netherlands  
16 should simultaneously concur in the Japanese-American  
17 agreement with regard to the matters concerning those  
18 two countries. Accordingly, you are directed to  
19 approach the United States to have her take necessary  
20 steps in order to obtain from the two countries assur-  
21 ances of their concurrence in the agreement, and cable  
22 the results."

24 Returning to the affidavit:

25 "The Foreign Minister had discussed the  
matter personally with Ambassador Grew, in Tokyo

1 (defense document No. 1400-Z-6)," which is now  
2 exhibit No. 2918, and to which reference is made.

3 "He also requested Ambassador Craigie to  
4 have the British Government make a positive effort  
5 for the conclusion of the negotiations, informing him  
6 of the acute situation (defense document No. 1401-G-3),"  
7 which I offer in evidence.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document  
10 1401-G-3 will receive exhibit No. 2957.

11 (Whereupon, the document above  
12 referred to was marked defense exhibit  
13 No. 2957 and received in evidence.)

14 MR. BLAKENEY: The exhibit is a telegram  
15 from TOGO to NOMURA, dated the 3d of November, 1941.

16  
17 "(1) On the occasion of my interview with  
18 the Diplomatic Corps on 30 October, while having a  
19 talk with the American Ambassador in Tokyo, I expressed  
20 my regret over the recent aggravation of the tense  
21 relations between Japan and the United States and  
22 pointed out the danger that things might, if left  
23 alone, have serious consequences. I called his atten-  
24 tion to the fact that the Japanese nation had become  
25 impatient with the slow progress of the negotiations  
which had dragged on for six months and I expressed

1 my desire to bring them to a conclusion promptly,  
2 and requested further cooperation on the part of the  
3 American Ambassador. I emphasized that, in order to  
4 break the deadlock, the American Government also  
5 should consider some measures for the settlement of  
6 the matter fitting to the actual situation of the Far  
7 East, without clinging to theories.

8 "I referred, by way of explaining the com-  
9 plicated circumstances of the Far East, to the problem  
10 of the withdrawal of Japanese forces from China,  
11 pointing out that there were certain countries besides  
12 Japan whose forces were actually stationed in China,  
13 and also to the situation in Outer Mongolia where the  
14 Soviet Union had stationed forces of considerable  
15 strength in spite of the fact that China regarded it as  
16 a part of her territory, and requested that the Ameri-  
17 can Government should recognize the real state of  
18 affairs there and fully understand the Japanese view-  
19 point. The American Ambassador listened to my opinion,  
20 promised to cooperate, and replied that it was desirable  
21 to proceed with the negotiations simultaneously in  
22 Tokyo and in Washington.

24 "(2) When the British Ambassador called on  
25 me for some other business on the 29th, I told him  
that the attitude of the United States tends to be so

1 doctrinarian and unrealistic that there is at present  
2 little prospect of success of the negotiations, and  
3 the situation is one of deep concern; that should  
4 the negotiations end in failure the development of  
5 the situation would be unpredictable, and that inas-  
6 much as such development would not be in the interest  
7 of Great Britain, who has important rights and  
8 interests in the Far East, it would be proper for her  
9 to strive at this moment for the improvement of  
10 Japanese-British-American relations and the maintenance  
11 of world peace. The Ambassador promised that he would  
12 immediately transmit the matter to his Government,  
13 and left. When I saw the Ambassador on the 30th I  
14 repeated to him to the same effect and impressed upon  
15 him that the situation is very acute and allows of  
16 no further procrastination.

17 "Transmit to London."

18 Returning to the affidavit:

19 "The British Ambassador, however, advised  
20 the Foreign Minister that his Government felt that it  
21 should entrust the negotiations to the United States  
22 Government for the time being (exhibit 1174). Mean-  
23 while, repeated telegrams of Ambassador NOMURA reported  
24 that the United States Government was carrying on  
25 careful consultation, through their representatives

1 in Washington, with the Governments of Britain, the  
2 Netherlands and China (exhibit 1184, defense document  
3 No. 1401-V-2)" which is exhibit No. 2948. "At that  
4 time it was considered by the Japanese circles con-  
5 cerned that the British Government's attitude toward  
6 the Japanese-American negotiations -- which had close  
7 connection with the important British interests in  
8 East Asia -- was one of the proofs that America and  
9 Great Britain were adopting a united front against Japan  
10 in East Asia, as they were in respect also of the  
11 European war. It was also taken into consideration  
12 that Prime Minister Churchill had on 10 November  
13 already in effect committed Great Britain to going to  
14 war with Japan automatically upon an outbreak of  
15 hostilities between the United States and Japan (de-  
16 fense document No. 478-B)," which is offered in  
17 evidence.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Defense document 478-B  
20 will receive exhibit No. 2958.

21 (Whereupon, the document above  
22 referred to was marked defense exhibit  
23 No. 2958 and received in evidence.)

24 MR. BLAKENEY: The prosecution advises me  
25 that they believe this speech to have been placed in

1 evidence by the prosecution.

2 THE PRESIDENT: We have read it somewhere  
3 in the evidence.

4 MR. BLAKENEY: But Mr. Comyns Carr is not  
5 sure whether the precise excerpts have been placed  
6 in evidence.

7 THE PRESIDENT: It is a familiar statement.

8 MR. BLAKENEY: I suggest if it is in evi-  
9 dence I be permitted to read these excerpts.

10 THE PRESIDENT: We notice at the top, "Exhibit  
11 No. 2324." What is that?

12 MR. TAVENNER: That is the point we desire  
13 to call to the Tribunal's attention, and we thought  
14 it meant that it was an exhibit formerly introduced.

15 THE PRESIDENT: 2324 is tendered for identi-  
16 fication only.

17 MR. BLAKENEY: I seem to remember tendering  
18 this book for identification on a different matter.  
19 I do not think it included this feature in any way.

20 May I read the exhibit?

21 THE PRESIDENT: Our familiarity with this  
22 does not mean it is already in evidence, because we  
23 cannot help knowing these things. We read them before  
24 we came to Japan.

25 A colleague tells me that the first part

1 appears in telegrams between New York and Tokyo; that  
2 the second part is new as far as the evidence goes.  
3 Perhaps you had better tender the lot and save time.

4 Admitted on the usual terms.

5 MR. BLAKENEY: I read the exhibit, which is  
6 an excerpt from a speech by Winston Churchill appear-  
7 ing in "Speeches by British Leaders."

8 "The United States' time-honored interests  
9 in the Far East are well known. They are doing their  
10 utmost to find a way of preserving peace in the Pacific.  
11 We do not know whether their efforts will be successful,  
12 but if they fail, I take this occasion to say -- and it  
13 is my duty to say -- that should the United States  
14 become involved in war with Japan the British declara-  
15 tion will follow within the hour.

16 . . . . .

17 "...I hope devoutly that the peace of the  
18 Pacific will be preserved in accordance with the known  
19 wishes of the wisest statesmen of Japan, but every  
20 preparation to defend British interests in the Far  
21 East and to defend the common cause now at stake has  
22 been, and is being, made."

23 Returning to the affidavit:

24 "In such circumstances it was considered by  
25 the Liaison Conference that as a matter of course the

1 Government of the United States would notify that of  
2 Great Britain immediately upon receipt of the notifi-  
3 cation of termination of negotiations, and that the  
4 delivery of a notice additionally to Great Britain  
5 was unnecessary.

6 "Consular Reports of Shipping.

7 "24. Consuls stationed abroad had the duty  
8 of reporting, from time to time, such information con-  
9 cerning the politics, economy, finance, military  
10 affairs and other matters of interest pertaining to  
11 the places where they were stationed as they consid-  
12 ered of interest to the Japanese Government. With  
13 respect to such affairs, other government offices fre-  
14 quently requested the use of the organization and faci-  
15 lities of the Foreign Ministry for investigations  
16 which they desired to conduct; when such requests were  
17 received, the Foreign Ministry dealt with them as  
18 routine business, instructions from the appropriate  
19 bureau or section going to the consuls to make the  
20 required investigations and report. These instructions,  
21 like all instructions to consuls, ministers and  
22 ambassadors, were always issued in the name of the  
23 Foreign Minister; but in actuality, not being Foreign  
24 Ministry business, they were never seen by the Foreign  
25 Minister, but were sent round to the Cable Section

1 for dispatch with the approval of the chief of the  
2 appropriate Bureau or section, or even at times of a  
3 competent secretary.

4 "It was in accordance with this system, which  
5 had prevailed for many years, that at the request of  
6 the Navy in 1941 consular reports on merchant and  
7 naval shipping of the United States, the Netherlands  
8 and other nations were requested and obtained from  
9 consuls. This type of message went not only to Hono-  
10 lulu (exhibits 1254, 1256-1264) and to Batavia (exhi-  
11 bit 1330), but as well to Portland, Seattle, Vancouver,  
12 Panama, Manila and elsewhere. These reports were  
13 handled as routine, and naturally neither the requests  
14 nor the reports -- which were transmitted direct to  
15 the naval officials who had asked for them -- underwent  
16 inspection by the Foreign Minister."

17 If the Tribunal please, I should like to  
18 ask one or two additional questions.

19 THE PRESIDENT: What has happened to defense  
20 document 1401-Z-1?

21 MR. BLAKENEY: That is what I wish to ask  
22 the questions about.

23 BY MR. BLAKENEY (Continued):  
24

25 Q Mr. Witness, can you recall having received  
a report from Ambassador NOMURA in October 1941, in

1 which he reported as follows: that Minister WAKASUGI  
2 had had an interview with Under Secretary Welles at  
3 which some suggestion was made concerning future  
4 negotiations?

5 A Yes, I do recall a telegram to that effect  
6 from the United States.

7 MR. BLAKENEY: Please let the witness be  
8 handed defense document No. 1401-Z-1.

9 Q Please look at the document which is being  
10 handed to you, and state whether you can recognize  
11 it as the report in question.

12 A This is the document which I recall.

13 Q Was this report called to the attention of  
14 the Liaison Conference?

15 A This report was brought to the attention of  
16 the Liaison Conference about the end of October,  
17 which said conference was in the midst of drawing up  
18 concrete proposals vis-a-vis the Japanese-American  
19 negotiations.

20 THE INTERPRETER: Correction: "This telegram  
21 arrived at the end of October, when," etc.

22 A (Continuing) As for us, after reading the  
23 statements made by Welles in the report, we felt  
24 that it would be difficult to reach -- arrive at any  
25 solution of the pending issues between the two

1 countries by discussing the problems as a whole, and  
2 and that it would be more advisable to take problems  
3 which are possible of solution one by one; and this  
4 report was used as a convenient reference in formu-  
5 lating or drawing up Japan's draft of the proposal  
6 in drafting Proposal "A".

7 MR. BLAKENEY: I offer in evidence the docu-  
8 ment, defense document 1401-Z-1.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document  
11 1401-Z-1 will receive exhibit No. 2959.

12 (Whereupon, the document above  
13 referred to was marked defense exhibit  
14 No. 2959 and received in evidence.)

15 THE PRESIDENT: This will take a long time  
16 to read. What follows this phase, Major Blakeney,  
17 this subdivision?

18 MR. BLAKENEY: Do you mean what follows my  
19 subdivision?

20 THE PRESIDENT: Yes.

21 MR. BLAKENEY: The military subdivision, I  
22 understand, follows.

23 THE PRESIDENT: We will recess for fifteen  
24 minutes.  
25

(Whereupon, at 1045, a recess was

YAMAMOTO

DIRECT

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1 taken until 1100, after which the proceedings  
2 were resumed as follows:)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Major Blakeney.

4 MR. BLAKENEY: I was about to read exhibit  
5 2959, which is a telegram:

6 "From NOMURA to TOGO

7 "24 October 1941

8 "Reference to your telegram No. 698.

9 "WAKASUGI talked with Welles for an hour  
10 from 3:30 P.M. on the 24th.

11 "In accordance with your telegram, WAKASUGI  
12 said that the new Japanese Cabinet has as earnest a  
13 desire as the last Cabinet to arrive at a fair and  
14 equitable adjustment of Japanese-American relations,  
15 that Japan's position had already been made clear,  
16 and that, although no detailed instructions had yet  
17 been received from the home government, WAKASUGI might  
18 say that, according to what he himself observed during  
19 his recent visit to Japan, the circumstances did not  
20 permit of any further indefinite protraction of the  
21 present conversations, it being desirable to arrive  
22 at a conclusion as soon as possible and without even  
23 a day's unnecessary delay. WAKASUGI then asked for  
24 the presentation of the United States counter-proposal  
25 in response to the Japanese proposal of 25 September.

1 "Welles asked about the intentions of the  
2 new Cabinet in regard to the continuance of the  
3 present negotiations. Simultaneously, he pointed out  
4 that lately persons in responsible positions in Japan  
5 had been making bellicose statements: for example,  
6 the Navy spokesman had said in a statement that the  
7 Japanese Navy was 'itching for action;' and that the  
8 newspapers, etc., were vehemently attacking the United  
9 States. This fact, he pointed out, seriously irritated  
10 the Government and people of his country, and was in-  
11 jurious to the continuance of the present negotiations.

12 "WAKASUGI countered by saying that there were  
13 not a few influential statesmen in the United States,  
14 including for example, Senator Pepper, who were making  
15 vehement attacks on Japan. Above all, Secretary of  
16 the Navy Knox had said in a speech today that not  
17 only was a Japanese-American war unavoidable, but the  
18 clash was imminent. There were many such bellicose  
19 utterances in the United States, and the Government  
20 and people of Japan were being no less irritated by  
21 them. Welles made repeated explanations to get  
22 WAKASUGI to understand that the speech of the Secre-  
23 tary of the Navy was not really so vehement, the  
24 press reports of it being merely exaggerations of its  
25 fragments; and that the Secretary of the Navy, as the

1 highest person responsible for the Navy, the greatest  
2 force in the United States, was now and then using  
3 strong language in an attempt to encourage the Navy.

4 "Welles proceeded to say, with regard to the  
5 counter-proposal of the United States, that, as re-  
6 peated at the previous talk, the principles and the  
7 counter-proposal of the United States were clear in  
8 the proposal of 21 June. One idea might be to attempt  
9 oral adjustment between the United States and Japa-  
10 nese proposals, but, according to the experience of  
11 informal conversations carried on, merely to stick to  
12 the formula hitherto followed and discuss it by items  
13 would lead only to a repetition of the same arguments  
14 as has already been made, and render it difficult to  
15 achieve progress in the negotiations. As had been  
16 said at the previous talk in the presence of Secre-  
17 tary Hull, it might therefore be a quicker way to make  
18 a fresh survey by a new formula consisting of taking  
19 up matters of a general character, such as the three  
20 problems, and in endeavoring to reach an agreement of  
21 views on them one by one, beginning with those which  
22 were comparatively easier of settlement. For this  
23 purpose, the question of non-discrimination in trade,  
24 on which it should be comparatively easier for both  
25 sides to reach an agreement of views, might first be

1 taken up (Whereupon Welles asked whether what had been  
2 emphasized by Hull at the previous talk had been  
3 communicated to the home government, and WAKASUGI  
4 replied that details thereof had been reported.)  
5 Secondly, the question of obligations under the Tri-  
6 partite alliance might be discussed. To this question  
7 Welles referred in terms which might be taken as re-  
8 vealing the possibility of an adjustment on the United  
9 States side itself. Next, the China question might  
10 be talked over. Thus Welles made a new proposal in  
11 the negotiations, and showed an attitude indicating a  
12 marked desire to promote a compromise.

13 "WAKASUGI, in reply, said that today he was  
14 not at liberty to add anything to the Japanese pro-  
15 posal of 25 September, because no detailed instructions  
16 had yet been received from the home government. It was  
17 desirable, however, that, with regard to the new method  
18 of approach proposed by Welles, a proposal be formulated  
19 by the United States side and presented at the next  
20 talk. A study of this new approach would also be  
21 made by the Japanese side.

22 "With regard to the question of release of  
23 the frozen funds of the two Japanese tankers, referred  
24 to at the last talk, and of the two mail ships dis-  
25 patched at this time, Welles said that steps had

1 forthwith been taken at the time. At the Treasury De-  
2 partment, the necessary steps had already been taken in  
3 regard to the three mail ships. As for the tankers,  
4 there were strict regulations concerning United States  
5 banks...[two words undecipherable] the protection of  
6 bank depositors. Once funds had been put in an account  
7 at the Yokohama Specie Bank, it was difficult to release  
8 such frozen funds, no matter whether they were funds  
9 which had been in that bank previously or were remit-  
10 tance drafts just received from another country. If,  
11 therefore, the funds in question were made into drafts  
12 via United States banks, the State Department would do  
13 all in its power to meet the request.

14 The last-mentioned matter is again to be  
15 talked over with Financial Attache NISHIYAMA."

16 That concludes the general direct examination,  
17 and I understand that there will be further direct  
18 examination on behalf of three defendants, the first  
19 of whom, I believe, is Dr. KIYOSE on behalf of the  
20 defendant TOJO.

21 THE PRESIDENT: Dr. KIYOSE.

22 DIRECT EXAMINATION (Continued)

23 BY DR. KIYOSE:

24 Q I refer to page 1, towards the end of page 1  
25 of the affidavit, of the English affidavit. In

1 paragraph 2, you state, "In October 1941 I was told  
2 by Foreign Minister TOYODA that War Minister TOJO had  
3 upon the demand of the High Command made a strong re-  
4 quest to Premier KONOYE and the Foreign Minister to  
5 present by the 15th or thereabouts their opinions on  
6 the pending problems of the Japanese-American  
7 negotiations." Where was this demand of the High  
8 Command made?

9 A I heard that the request of the High  
10 Command was made of Foreign Minister TOYODA at the  
11 Liaison Conference at the time.

12 Q Then, since Foreign Minister TOYODA himself  
13 was present at the Liaison Conference, may I under-  
14 stand that he did not necessarily have to hear this  
15 demand from War Minister TOJO but could have heard  
16 it direct from the Chief of the General Staff or  
17 other members of the General Staff?

18 THE MONITOR: The Chief of the Army General  
19 Staff or the Chief of the Navy General Staff.

20 A Yes.

21 Q Next, towards the middle of page 2 of the  
22 English text, I refer to your statement that the  
23 question of the withdrawal of troops from China --  
24 the question of the stationing of troops in China  
25 was discussed at the Liaison Conferences held at that

1 time.

2 THE MONITOR: Between the 23rd of October  
3 and early November.

4 Q Were there not other important matters, from  
5 the standpoint of national defense, argued by the two  
6 Chiefs of Staff, that is to say, the Chief of the Army  
7 General Staff and the Chief of the Navy General Staff  
8 at that time?

9 A Yes, very serious discussions were held with  
10 regard to military materials, especially synthetic oil  
11 or liquid fuel.

12 Q As my last question, I refer to page 12 of  
13 the English affidavit. At the top of the page you  
14 refer to the fixing of the time for delivery of the  
15 notification to the American Government. Was this  
16 matter actually decided at the Liaison Conference it-  
17 self or was it decided elsewhere?

18 A With reference to this question, at first  
19 the matters were discussed between the Foreign Mini-  
20 ster and representatives of the High Command, and  
21 the results of their discussions were reported and  
22 received the approval of the Liaison Conference itself.

23 DR. KIYOSE: That concludes my direct exam-  
24 ination.  
25

1 MR. KAINO: I am counsel KAINO, representing  
2 the defendant SUZUKI.

3 THE PRESIDENT: Counsel KAINO.

4 DIRECT EXAMINATION (Continued)

5 BY MR. KAINO:

6 Q My questions will refer to paragraphs 21 and  
7 22 of your affidavit -- to the numbered paragraphs 21  
8 and 22.

9 Was the final note of December 8 made -- were  
10 the contents of the final note of December 8 made known  
11 to persons other than the actual drafters of the note?

12 THE MONITOR: Participants in the liaison  
13 conference previous to December 8.

14 A No, they were not known to others outside of  
15 these parties.

16 Q Do you remember who attended the liaison  
17 conferences after December 2nd?

18 A I have no concrete recollection.

19 MR. KAINO: That is all.

20 MR. SHIMANOUCI: I am SHIMANOUCI.

21 THE PRESIDENT: Counsel SHIMANOUCI.

22 MR. SHIMANOUCI: I represent the defendant

23 OSHIMA.

24 DIRECT EXAMINATION (Continued)

25 BY MR. SHIMANOUCI:

1 Q Did the Foreign Office convey to Ambassador  
2 OSHIMA in Berlin the decisions of the Imperial  
3 Conferences of 1941 and the Liaison Conferences held  
4 in that year?

5 A He was not notified.

6 Q Did or did not the Foreign Office convey  
7 to Ambassador OSHIMA in Berlin the course of the  
8 Japanese-American negotiations of 1941?

9 A I recall that a very simple notification was  
10 given to the Ambassador with regard to the fact that  
11 Japanese-American negotiations were under way by  
12 Foreign Minister MATSUOKA in May, 1941.

13 Q Were no other notifications made?

14 A I recall that instructions were sent in the  
15 end of November with respect to "no separate peace" --  
16 the question of "no separate peace."

17 Q There were no other notifications made to  
18 Ambassador OSHIMA in regard to the Japanese-American  
19 negotiations?

20 A I have no recollection.

21 Q At the Liaison Conference held in 1941 between  
22 the Government and the High Command, were the thoughts --  
23 were the opinions of Ambassador OSHIMA ever discussed  
24 or were they ever taken up as problems there?

25 A Reports from the field with regards to the

1 military situation were brought up at the Liaison  
2 Conference, but other than that he did not come  
3 up for discussion.

4 Q What was the extent of the argument in the  
5 Liaison Conference?

6 THE PRESIDENT: Oh, that is too indefinite.

7 Q Were there hot discussions at the -- Were  
8 there heated discussions at the Liaison Conference or  
9 were decisions arrived at rather simply?

10 THE PRESIDENT: Even that won't help. Those  
11 are not sensible questions.

12 Q At the Liaison Conference deciding on the  
13 opening of the Pacific War, were Ambassador OSHIMA's  
14 opinions ever discussed or were they taken up as a  
15 problem?

16 A They had never been brought up for discussion  
17 or as a question. It was not brought up for dis-  
18 cussion in any form.

19 Q Did the Foreign Minister ever inform  
20 Ambassador OSHIMA of the decision to open war prior  
21 to the actual opening of hostilities in the Pacific  
22 Area?

23 A I recall that no notification was sent.

24 Q According to your affidavit Foreign Minister  
25 TOGO stated that in the event of war with America,

1 Japan could expect no help from Germany -- in the  
2 event of a Pacific war Japan could expect no help  
3 from Germany. What were the opinions of the Army  
4 and Navy High Command at the Liaison Conference in  
5 regard to this question?

6 A At the Liaison Conference the Army and  
7 Navy High Command were both in agreement with Foreign  
8 Minister TOGO that not much help or assistance could  
9 be expected from Germany.

10 Q Did the Foreign Office send instructions to  
11 Ambassador OSHIMA regarding the conclusion of a  
12 "no separate peace agreement" with Germany" just before  
13 the outbreak of the Pacific War?

14 A Yes, instructions were sent.

15 Q What was the relationship between the Japanese  
16 decision to fight, the Germany entry into the war and  
17 the "no separate peace agreement with Germany"?

18 A The proposed agreement for a "no separate  
19 peace agreement" had no connection whatsoever with  
20 Japan's determination for war.

21 MR. SHIMANOUCI: That concludes my direct  
22 examination.

23 THE PRESIDENT: Mr. Brannon.

24 MR. BRANNON: On behalf of the accused SHIMADA  
25 and OKA I wish to cross-examine.

1 THE PRESIDENT: Oh, that raises a nice  
2 question. What came out unexpectedly to the prejudice  
3 of either of those accused? We understood you to  
4 say or to agree that nothing in that affidavit  
5 operated to your prejudice.

6 MR. BRANNON: According to the rules as  
7 I understand them, it specifically provides that  
8 defense counsel may cross-examine even the general  
9 witnesses for the defense. But, perhaps I am mistaken.

10 THE PRESIDENT: Those rules do not alter  
11 the general position that you cannot cross-examine  
12 a witness called for all unless he proves hostile  
13 unexpectedly, and, in those circumstances, the Court  
14 in the interests of justice allows you to cross-examine.

15 MR. BRANNON: I certainly can't honestly  
16 contend that it is a surprise, because I had the  
17 affidavit and I read every word in it. Mr. Levin,  
18 I believe, brought up the point the other day that  
19 he had understood it to be that he would have the  
20 right to cross-examination to indicate his dissent  
21 as to certain portions of the testimony.  
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1 THE PRESIDENT: The position indicated to  
2 you was indicated to Mr. Levin.

3 MR. BRANNON: Well, it is quite possible, Mr.  
4 President, I may not proceed wrongly if I state I  
5 am asking questions on direct examination.

6 THE PRESIDENT: You may directly examine  
7 but not cross-examine.

8 MR. BRANNON: I shall attempt to proceed that  
9 way.

10 BY MR. BRANNON:

11 Q On page 2 of the English version of your  
12 testimony, the third paragraph, seventh line, you  
13 use the words "and the Naval General Staff." Later  
14 you struck these words. Now I want to ask you if you  
15 intended to insert these words in the first place in  
16 your affidavit or whether that was a mistake.

17 THE PRESIDENT: That is cross-examination.

18 MR. BRANNON: I am informed it was an error  
19 made by the witness, your Honor, or in the translation,  
20 that the words should never have appeared. I am not  
21 seeking to challenge his truthfulness.

22 THE PRESIDENT: What was intended to be ex-  
23 cised from this affidavit was carefully considered.

24 MR. BRANNON: That is the point I am trying  
25 to make. Apparently this was an error on the part of

1 the witness. I want him to admit it, that is all.

2 THE PRESIDENT: When you are giving evidence  
3 on behalf of the accused represented by you, you may  
4 call this witness as your witness, subject to the  
5 permission of the Tribunal. There is no limit on what  
6 we may permit, but we won't permit this man to be  
7 cross-examined by you now.

8 MR. BRANNON: I was merely trying to save time,  
9 Mr. President. While he was on the stand I thought I  
10 could get my little matters taken care of; but I will  
11 reserve it until later.

12 MR. BLAKENEY: The witness is now available  
13 to the prosecution for cross-examination.

14 CROSS-EXAMINATION

15 BY MR. TAVENNER:

16 Q Mr. YAMAMOTO, at the top of page 12 of your  
17 affidavit you state that at the Liaison Conference of  
18 December 6, 1947, the time was fixed for delivery of  
19 notification to the American Government at 1 p. m. on  
20 December 7. Now, in reply to a question by Doctor  
21 KIYOSE you stated that this matter was discussed be-  
22 tween the Foreign Minister and the High Command prior  
23 to the Liaison Conference. On how many occasions were  
24 those discussions had prior to the Liaison Conference?  
25

A I have stated in my affidavit that the results

1 of the discussion were reported at the Liaison Con-  
2 ference on the 6th and then there approved. It was  
3 on the 2nd of December that the Liaison Conference  
4 agreed that with respect to the time for the notifi-  
5 cation to be delivered, the Foreign Minister and the  
6 High Command should consult each other and draw up --  
7 or come to a conclusion on the matter.

8 Q Now will you please answer my question?  
9 How many conferences did the Foreign Minister and the  
10 High Command have on this subject prior to the Liaison  
11 Conference on December 6?

12 A I think informal discussions on this question  
13 were held twice.

14 Q What was the date of the second instance you  
15 refer to?

16 A About the 4th or 5th of December.

17 Q Was it the first occasion or on the second  
18 the day of the Liaison Conference that you mentioned a  
19 moment ago?

20 A I recall it as having taken place on the second.

21 Q Was a tentative decision reached on the 2nd  
22 date of the conference?

23 A On the 2nd it was merely decided that the  
24 matter would be left to consultation between the  
25 Foreign Minister and the High Command.

1           Q   But you just told me that there were two  
2 conferences between the Foreign Ministry and the  
3 High Command, the first of which occurred on the 2nd.  
4 I am asking you if it is not true that on this date,  
5 the 2nd of December, a tentative decision was reached  
6 on the question of the time of notification, that is,  
7 decision between the Foreign Minister and the High  
8 Command.

9           A   The informal decision between the Foreign  
10 Minister and the High Command was arrived at separately  
11 from the Liaison Conference on the 2nd.

12           Q   I understand that perfectly, but do I understand  
13 you correctly also that the decision was reached  
14 on the 2nd of December between the Foreign Minister and  
15 the High Command?

16           A   Yes, the informal decision, yes, that is, the  
17 first decision.

18           Q   And that was the decision which was ultimately  
19 reported to the Liaison Conference on December 6,  
20 was it not?

21           A   Not so. The results of the consultation between  
22 the Foreign Minister and the High Command on the  
23 2nd was reported to the Liaison Conference on the 3rd.  
24 At that time the report made was that the time for  
25 delivery of notification was 12:30 o'clock. After

1 that the opinion of the High Command was submitted  
2 to the Foreign Office with regard to the delivery  
3 time. The result of the original informal decision  
4 thus revised was what was reported to the Liaison  
5 Conference on the 6th.

6 Q The hour 12:30 that you mentioned was 12:30  
7 on December 7, Washington time, was it not?

8 A Yes.

9 Q And the final date and hour fixed was 1-p. m.  
10 December 7, Washington time?

11 A That is so.

12 Q Was that the agreement of all who attended  
13 the meeting between the Foreign Ministry and the High  
14 Command?

15 A The consultation between the Foreign Office  
16 and the High Command on this question was held between  
17 the Foreign Minister and the Vice-Chief of the Army  
18 General Staff and the Vice-Chief of the Naval General  
19 Staff. No others attended.

20 Q And was the time fixed the common consent of  
21 all three representatives at that meeting?

22 A Before arriving at such a decision Foreign  
23 Minister TOGO contended that arrangements should be  
24 made so that the delivery of the note would take place  
25 sufficiently in advance, and it was after some dis-

1 cussion that the final agreement was reached.

2 Q When the final agreement was reached was  
3 it with the unanimous approval of the Foreign Minister  
4 and the High Command?

5 A Ultimately the agreed and unanimous opinion  
6 was reported to the Liaison Conference on the 6th.

7 Q Was the action taken also with the unanimous  
8 approval of the members of the Liaison Conference on  
9 December 6th?

10 A Yes. They all agreed.

11 Q Who were the vice-chief of the Army staff  
12 and vice-chief of the Navy staff who attended the  
13 conference representing the High Command?

14 A The vice-chief of the Army General Staff  
15 was TANABE; and of the Navy, Admiral ITO.

16 Q Who were those who attended the Liaison Con-  
17 ference of December 6th?

18 A I don't recall.

19 Q Who were those who attended on December  
20 2nd or 3rd?

21 A I have no recollection as to who or how many  
22 people attended a conference on a certain date.

23 Q What reason was assigned for the changing  
24 of the hour of notification from 12:30 to 1:00 P.M.?  
25

A I was not informed of the reason at the

1 time.

2 Q Will you state what you knew the reason  
3 to be?

4 A Even to this day I do not know anything  
5 more than the fact that the revision was made at  
6 the request of the High Command.

7 Q So far as you know, the reason was not  
8 associated with the attack on Pearl Harbor, that is,  
9 that the reason had nothing to do with the fixing  
10 of the time for the attack on Pearl Harbor?

11 A I never thought or knew whether or not it  
12 had anything to do with the Pearl Harbor attack.

13 Q Will you state whether or not the Foreign  
14 Minister told you why the hour was first fixed at  
15 12:30?

16 A I have never heard of the reason.

17 Q At the time that this decision was presented  
18 to the Liaison Conference on December 6th, will you  
19 tell us what the discussion consisted of at that  
20 time and place, with reference to the hour for the  
21 delivery of the notice?

22 A On the 6th this was approved without any  
23 discussion after the matter had been reported.

24 Q When the matter was reported the first time  
25 to the Liaison Conference on December 3rd, will you

1 state what the discussion was with reference to the  
2 time of notice?

3 A There was no discussion on the occasion of  
4 the meeting on the 3rd of December.

5 A Did you make any inquiry from any source  
6 of the reason for the fixing of the hour of notifi-  
7 cation as it was fixed?

8 A I made no inquiry, nor made any attempt to  
9 obtain information concerning it.

10 Q Now why didn't you make inquiry about a  
11 matter of such vital importance as that, when you  
12 were handling a great deal of the diplomatic corres-  
13 pondence for the Foreign Ministry?

14 A My position in the Foreign Office was this:  
15 that this note would be delivered to the United  
16 States prior to the opening of hostilities, suffic-  
17 iently in advance. Concerning this, when Foreign  
18 Minister Togo told me that when they had their confer-  
19 ence that he attended, he particularly stressed  
20 this point of having this note arrive in Washington  
21 on time and sufficiently in advance. This he agreed to.

22 Q At the time of the Liaison Conference on  
23 December 2nd, what reason was assigned for having  
24 the Foreign Minister consulted regarding the time of  
25 the note?

1           A    The view of the Liaison Conference at  
2   that time with respect to this question was that  
3   it was proper that this matter first be consulted  
4   about between the High Command and the Foreign  
5   Minister, who was in charge of diplomatic matters --  
6   that a consultation should first be held between  
7   the High Command and the Foreign Minister and there  
8   decided.

9           Q    What reason was assigned as to why the  
10   conference should be between the Foreign Minister  
11   and the High Command?

12          A    The Foreign Minister was the responsible  
13   official with regard to diplomatic matters, for  
14   instance, with regard to the delivery of the note.

15          Q    But why consult the High Command if that  
16   were true?

17          A    I was interrupted in the middle of my reply  
18   previously, so I shall continue that, so that I can  
19   complete my statement. Diplomatic matters were in  
20   the hands of the Foreign Minister, that is, with  
21   respect to war, and operations within the hands of  
22   the High Command, and it was because of these reasons  
23   that these two parties were entrusted with consulta-  
24   tion and decision on this matter.

25          Q    I have asked you a simple question a number

1 of times: What reason was assigned by the Liaison  
2 Conference for that act?

3 A To my knowledge there was no discussion as  
4 to what reasons were behind the idea. This step was  
5 taken as a matter of course.

6 THE PRESIDENT: I don't want to break into  
7 the cross-examination at a crucial phase, but I  
8 don't think that you will be prejudiced now if we  
9 recess until half past one.

10 (Whereupon at 1200 a recess was taken.)  
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## AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Tavenner.

- - -

K U M A I C H I Y A M A M O T O, resumed the stand  
and testified, through Japanese interpreters, as  
follows:

## CROSS-EXAMINATION

BY MR. TAVENNER (Continued):

Q Mr. YAMAMOTO, do you deny that the delay of  
one-half hour from 12:30 to 1:00 p.m. on July 7 was  
for the purpose of enabling the Foreign Ministry and  
the High Command to more nearly synchronize the time  
between the delivery of that note and the bombing of  
Pearl Harbor?

THE PRESIDENT: December 7.

MR. TAVENNER: Please substitute the month  
of December for that of July.

A I deny that it was made for such a purpose.

Q Then why did you state this morning that you  
did not know the purpose? Explain that, please.

A At that time I heard from Foreign Minister

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## AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Tavenner.

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K U M A I C H I Y A M A M O T O, resumed the stand  
and testified, through Japanese interpreters, as  
follows:

## CROSS-EXAMINATION

BY MR. TAVENNER (Continued):

Q Mr. YAMAMOTO, do you deny that the delay of  
one-half hour from 12:30 to 1:00 p.m. on July 7 was  
for the purpose of enabling the Foreign Ministry and  
the High Command to more nearly synchronize the time  
between the delivery of that note and the bombing of  
Pearl Harbor?

THE PRESIDENT: December 7.

MR. TAVENNER: Please substitute the month  
of December for that of July.

A I deny that it was made for such a purpose.

Q Then why did you state this morning that you  
did not know the purpose? Explain that, please.

A At that time I heard from Foreign Minister

1 TOGO that at the time of his consultation with the  
2 Vice Chief of the Naval General Staff he had insisted  
3 upon the delivery of the note considerably in advance  
4 of the opening of hostilities and that his request on  
5 that point was accepted by the Naval High Command.  
6 That is all that I heard. Moreover, in order to  
7 have you more clearly understand the circumstances  
8 at this time, I should like to supplement my remarks  
9 made previously.

10 On the 2d of December when the question of  
11 delivering a notification to the United States was  
12 brought up at the Liaison Conference for the first  
13 time, at this Liaison Conference the Vice-Chief of  
14 the Naval General Staff, Vice-Admiral ITO representing  
15 the naval branch of the High Command, made a very  
16 strong request that in view of the necessity of con-  
17 ducting a surprise attack and inflicting heavy damages  
18 upon the enemy at the outset of the opening of hostil-  
19 ities the Naval High Command would like to have the  
20 Japanese-American negotiations left alone and un-  
21 ruptured up to the time of the opening of hostilities.

22 With respect to this matter Foreign Minister  
23 TOGO asserted, as I have stated in my affidavit, as  
24 follows: that is to say, that Foreign Minister TOGO  
25 insisted at the Liaison Conference that international

1 arrangements for procedure of such kind must be  
2 handled with utmost propriety and care and that at  
3 least a notification giving notice of the severance  
4 of the negotiations was absolutely necessary. As a  
5 result of discussions following that in the Liaison  
6 Conference and no decision was reached it was decided  
7 at the time that this question be left to the Foreign  
8 Minister and the Vice-Chief of the General Naval Staff  
9 ITO for consultation between the two and that discus-  
10 sion in the Liaison Conference would be resumed  
11 following the conference between these two parties.  
12 It was also further decided at the Liaison Conference  
13 on December 2 that the question as to the time of  
14 delivery of the note also should be submitted to  
15 preliminary consultations between the Foreign Minister  
16 and the High Command and the results reported to the  
17 Liaison Conference.

18 MR. TAVENNER: You have told us all of that  
19 this morning. I do not desire for you to repeat  
20 testimony that you have already given.

21 THE PRESIDENT: He gave you some that was  
22 cut out and that will now give Mr. Brannon the right  
23 to cross-examine, but he is not here.

24 MR. TAVENNER: I expected to add that, your  
25 Honor, to my statement.

1           Q   Therefore, your statement that there was a  
2 discussion at the meeting at the Liaison Conference  
3 of December 2 that the negotiations were to be  
4 carried on with a view of prolonging the time and to  
5 give Japan the opportunity to act is true, by a  
6 surprise attack?

7           MR. BLAKENEY: I object to counsel's putting  
8 words in the witness' mouth which the witness has  
9 never used.

10          THE PRESIDENT: I can see nothing objection-  
11 able.

12          MR. TAVENNER: Of course, I gave the general  
13 meaning of the words. I will now quote the item so  
14 that there will be no question about it.

15          Q   Do you now state as being true this proposi-  
16 tion: That Admiral ITO, Vice-Chief of the Naval  
17 General Staff, urged that negotiations be left un-  
18 terminated until the belligerent operations actually  
19 commenced, it being absolutely necessary to deliver  
20 a blow to the United States at the very beginning of  
21 the war by a surprise attack?

22          A   That is a fact.

23          Q   Did you assist in the preparation of this  
24 note that was delivered on December 7, Washington time?  
25

        A   Yes, I took part in that work.

1 Q In how many sections was that note prepared?

2 THE MONITOR: Mr. Tavenner, do you mean by  
3 "section" the offices or part of the document, chapters?

4 MR. TAVENNER: I mean in how many sections  
5 was the note prepared. How many sections comprised  
6 the note?

7 A I have no definite recollections but I think  
8 that it was comprised of eleven sections or eleven  
9 items.

10 Q Were there not fourteen parts?

11 A I think it was in such a condition that it  
12 may be broken down, the number of paragraphs which I  
13 mentioned could be broken down to around fourteen.

14 Q What disposition did you make of that note  
15 upon its completion?

16 A What do you mean by disposition of this  
17 notice? I should like to have that clarified.

18 Q After its completion what instructions did  
19 you receive about the sending of the note?

20 A I received the instructions from the Foreign  
21 Minister to exercise the utmost care in the filing of  
22 the telegram so that it would arrive at its destination  
23 at the time decided at the Liaison Conference.

24 Q Was the entire note sent at one time to  
25 Washington?

A The notification was filed to Washington  
in several sections.

1 Q Is it not a fact that you delivered in-  
2 structions that the fourteenth part should be held  
3 up and not sent to Washington until some time after the  
4 first thirteen had been sent?

5 A Yes.

6 Q Why did you direct that the fourteenth  
7 part be withheld from dispatch?

8 A Having received very strict instructions  
9 from my seniors to exercise the utmost care and  
10 caution because the document was extremely import-  
11 ant and constituted and required from the standpoint  
12 of the preservation of state secret the utmost care  
13 in its handling, and therefore proper steps were  
14 taken in filing these in separate sections.

15 Q Do you contend, then, that by the mere  
16 delay in the sending of part fourteen that you were  
17 preserving the secrecy of the document?

18 A No, I do not make such an assertion. I  
19 was thinking of the preservation of secrets as  
20 regards the entire document.

21 Q Then why did you delay delivering the  
22 fourteenth part?

23 A I did not specially delay it.

24 A If you did not specially delay it, tell us  
25 to the extent that you did delay it, keeping in mind

1 that you have already told us that you requested  
2 that part of it be delayed.

3 A What I mean by delayed in this connection  
4 is to file it last. However, as regards the entire  
5 document, the steps taken were to see that the entire  
6 document was telegraphed to Washington considerably  
7 in advance of the time which was set for delivery  
8 of the note so that the Embassy might prepare it for  
9 delivery.

10 Q You referred to the fourteenth part being  
11 the last part, but why did you take the precaution  
12 to notify the persons responsible for the sending of  
13 the message that the fourteenth part was to be  
14 delayed under instructions from your seniors?

15 A The fourteenth was the last section  
16 constituting the entire notice, and also the con-  
17 clusion of the note.

18 Q And that is the only reason that the  
19 fourteenth part was sent last? Is that the reason  
20 that you assign for delay in sending the fourteenth  
21 part?

22 A We handled the entire telegram on the under-  
23 standing, from the standpoint of the preservation of  
24 secrets because we were extremely apprehensive at  
25 that time lest the coded telegram be decoded.

1           Q   Now, Mr. YAMAMOTO, you know as a matter of  
2 fact that under your directions and as a result of  
3 your directions, the sending of the fourteenth part  
4 was delayed fifteen hours and forty minutes, do you  
5 not?

6           MR. BLAKENEY: I object to the question  
7 unless counsel states from what time he means  
8 delayed; from the time of the decision on the  
9 notice, from the time of the instructions to send it,  
10 or what.

11          THE PRESIDENT: I understood him to suggest  
12 a fifteen hours' delay between the two parts.

13          MR. TAVENNER: Yes.

14          THE PRESIDENT: If I am right, the question  
15 is clear enough.

16          MR. TAVENNER: That, of course, is correct,  
17 your Honor.

18          A   As I have been saying that there was no  
19 intention whatsoever to delay the filing of these  
20 telegrams, the question was at what time the  
21 telegram in sections must be filed.

22           Q   Now, you told us a moment ago that you  
23 directed that the fourteenth part be delayed pursuant  
24 to the directions of your seniors. I ask you, was  
25 not the real reason for the delay in the sending of

1 part fourteen that you desired this to be another  
2 effort to more nearly synchronize the time of the  
3 delivery of this note with the bombing of Pearl  
4 Harbor?

5 A To such a question I should like to state  
6 emphatically as follows: The rigid instruction was  
7 to have the note filed by telegram to arrive in  
8 Washington in the hands of the Japanese Ambassador  
9 there sufficiently in advance of 1:00 P. M.,  
10 December 7, Washington time, at which time the note  
11 was to be delivered to the United States Government.  
12 To take all possible means to assure the delivery,  
13 the arrival of the telegrams at the Japanese Embassy  
14 sufficiently in advance of that appointed time, was  
15 the duty entrusted to me. That was all; nothing  
16 else.

17 Q You know, as a matter of fact, that the  
18 thirteenth part arrived in Washington at 12:20 A. M.  
19 on the 7th, Tokyo time, do you not? But you delayed  
20 the fourteenth section or part so that it arrived --

21 I would like to correct my statement.

22 You know, as a matter of fact, do you not, that  
23 this note was sent at -- that is, the first thirteen  
24 parts -- at 12:20 A. M., Tokyo time, on the 7th of  
25 December, and that you did not send the fourteenth

1 part until 4:00 P. M. of the 7th, Tokyo time? And  
2 you also know, do you not, that it was in this  
3 fourteenth part that the entire reference to action  
4 by Japan, aggressive action by Japan, was set forth?

5 A It was only later that I learned of the time  
6 when the telegrams arrived in Washington. At that  
7 time I did not know. And I do know that the last  
8 section of the note was prepared as the conclusion  
9 of the entire note conveying to the United States  
10 Government the attitude of the Japanese Government,  
11 and prepared with utmost care by the Foreign  
12 Ministry, and I have no knowledge whatsoever as to  
13 whether this, the filing of these notes, had any-  
14 thing to do with actual hostilities, actual acts of  
15 hostilities. However, I do remember and I do know  
16 that the note, the entire note, was to be delivered  
17 in Washington sufficiently in advance of the opening  
18 of hostilities.

19 Q You also know it to be a fact that Ambassador  
20 NOMURA was instructed not to use a typist in the  
21 transcribing of that note when it was decoded, do  
22 you not?  
23

24 A Yes.  
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1 Q You further know that it was the position  
2 of Admiral NAGANO that this section 14 was not re-  
3 ceived in time to enable the decoding and the typing  
4 and the delivery of this note within the time before  
5 the attack on Pearl Harbor, do you not?

6 A It was only later that I learned that that  
7 was the state of affairs at the time.

8 Q Now, who were your seniors who directed  
9 that you delay the sending of part 14?

10 A As I have been saying, the 14th section was  
11 not delayed; nor was there any intention to delay it.  
12 With respect to the cabling of the telegram, the naval  
13 high command was extremely interested in this data, and  
14 after discussing matters with them and in accordance  
15 with the instructions of my seniors to see that the  
16 secret was preserved with utmost care in the filing  
17 of this message, arrangements were made to send the  
18 note, to telegraph the note in sections and at  
19 different times.

20 Q Well, suppose you tell us who your seniors  
21 were. That may be shorter.

22 A My seniors were Foreign Minister TOGO and  
23 Vice-Foreign Minister NISHI.

24 Q You have stated in your affidavit that you  
25 attended all the Liaison Conferences during the TOGO

1 Cabinet, which was from the 18th of October 1941 to  
2 a date, I believe, in 1943?

3 THE PRESIDENT: TOJO, I take it to be.

4 MR. TAVENNER: In the TOJO Cabinet.

5 A Yes, I did attend.

6 Q How many Liaison Conferences were held  
7 between the 18th of October and December 8, 1941?

8 A From October 23 to the morning of the 2nd  
9 of November the Liaison Conference was held daily,  
10 and between November 6 and November 29 I think the  
11 Liaison Conference was convened five or six times;  
12 and I recall in December Liaison Conferences were  
13 held on the 2nd, 3rd, 4th, and 6th.

14 Q Will you tell me how long those conferences  
15 were usually in session?

16 A In most cases Liaison Conferences were  
17 convened from either nine or ten o'clock in the  
18 morning up to noon, but from the end of October Liaison  
19 Conferences frequently lasted from 9 A. M. to about  
20 midnight or one or two o'clock the following morning.

21 Q What was the character of the work of these  
22 conferences between October 23 and December 8?

23 A The foremost question for discussion and  
24 most of the work of the Liaison Conference beginning  
25 in October was how to lead the Japanese-

1 American negotiations to a successful conclusion.

2 Q Who presided over these meetings?

3 A There was no such thing as a presiding  
4 officer at the conferences. There was only a  
5 secretary who made preparations for the conferences.

6 Q What ministries were represented at these  
7 conferences?

8 A The regular members representing the govern-  
9 ment at the Liaison Conferences were the Prime Minis-  
10 ter, the War Minister, the Navy Minister, the Foreign  
11 Minister, the Finance Minister, and the President of  
12 the Planning Board. Representing the High Command,  
13 the Chief of the Naval General Staff and the Chief  
14 of the Army General Staff were always in attendance.

15 Q Then TOJO as the Prime Minister was present  
16 at these Liaison Conferences; is that correct?

17 A Yes.

18 Q TOGO, who was the Foreign Minister, was also  
19 present at these conferences?

20 A Yes.

21 Q The President of the Planning Board, was he  
22 present also?

23 A Yes.

24 Q And the President was SUZUKI?

25 A Yes.

1 Q Now, the Chief of the Military Affairs Bureau  
2 was present also, wasn't he?

3 A The Chief of the Military Affairs Bureau  
4 of the War Ministry and the Chief of the Naval Affairs  
5 Bureau of the Navy Ministry attended the meetings as  
6 secretaries.

7 Q And MUTO at this time was present as the  
8 Chief of the Military Affairs Bureau and also as Chief  
9 of the Naval Affairs Bureau?

10 A Yes.

11 Q Now, the Chief Secretary of the Cabinet was  
12 also present, wasn't he?

13 A The Chief Secretary of the Cabinet attended  
14 as one of the secretaries of the conference.

15 Q And the Chief Secretary at this time was  
16 HOSHINO, was he not?

17 A Yes.

18 Q The Finance Minister attended also?

19 A Yes.

20 Q And that was the accused KAYA?

21 A That is so.

22 Q Now, you have also told us that you attended  
23 most of the Liaison Conferences that were held during  
24 the third KONOYE Cabinet?

25 A Yes, at the time of the third KONOYE Cabinet.

1 At that time I attended the Liaison Conference meetings  
2 as the Director of the East Asiatic Affairs Bureau  
3 of the Foreign Office, when in these conferences the  
4 China problems were discussed, serving as an assis-  
5 tant to the Foreign Minister and also as an explainer.

6 Q Let me return for a moment to the conferences  
7 held during the TOJO Cabinet. SHIMADA, the Navy  
8 Minister, also attended, did he not?

9 A Yes.

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1 Q The vice-ministers of the army and the navy  
2 also attended the Liaison Conferences, did they not?

3 A The vice-ministers did not attend.

4 Q Were there not occasions on which they did  
5 attend?

6 A I have no definite recollection.

7 Q You would not state they did not attend,  
8 as I understand it, but you only state that you do  
9 not recall? Is that correct?

10 A Ordinarily they did not attend. Whether or  
11 not at some time during these conferences they  
12 attended or not, I have no definite recollection.

13 Q Let us now proceed to the third KONOYE  
14 Cabinet. Did the same officials of the government  
15 and the army and the navy attend the Liaison Conferences  
16 during the KONOYE Cabinet as during the TOJO Cabinet?

17 A I believe that the ministers who attended  
18 the Liaison Conference during the third KONOYE  
19 Cabinet were not necessarily representative of the  
20 same ministries as those during the TOJO Cabinet.

21 Q I will ask you about certain ones. Did the  
22 Chief of the Military Affairs Bureau attend, MUTO?

23 A Yes, he did.

24 Q And did OKA, the Chief of the Naval Bureau,  
25 attend those conferences?

1 A Yes.

2 Q And did SUZUKI, the President of the Planning  
3 Board, attend?

4 A Yes, he did.

5 Q Did the Minister of State attend?

6 A Minister without Portfolio, HIRANUMA, attended  
7 sometimes.

8 Q That was HIRANUMA?

9 A Yes, that is so.

10 Q And the War Minister, TOJO, attended, did  
11 he not?

12 A Yes, he did.

13 Q I notice on the first page of your affidavit,  
14 a reference to meetings with the military bureau  
15 directors concerned with the negotiations.

16 Let me repeat the question. I note on the  
17 first page of your affidavit, a reference to meetings  
18 attended by you or conducted by you and which were  
19 attended by the military bureau directors concerned  
20 with negotiations. Were these military bureau  
21 directors the Chief of the Military Affairs Bureau  
22 and the Chief of the Navy Affairs Bureau?

23 A Yes, that is so.

24 Q And they were the accused MUTO and OKA?

25 A Yes.

1 MR. TAVENNER: Now, if the Tribunal please,  
2 as to the question of credibility, I desire to merely  
3 refer to the place in the record where this witness  
4 was cross-examined on a former occasion, pages 17,929  
5 to 18,006, and again at pages 18,032 to 18,062, with  
6 special reference to page 18,059.

7 With regard to the voluminous documents intro-  
8 duced through this witness, it is submitted that they,  
9 like all other documents in evidence, in the last  
10 analysis are matters for construction by the Tribunal.

11 There are no further questions.

12 THE PRESIDENT: I have a question on behalf  
13 of a Member of the Tribunal. I will paraphrase it,  
14 if I may.

15 On what particular words of the concluding  
16 paragraph of the document did the participants in the  
17 Liaison Conference base their belief and conclusion  
18 that the intention of going to war was clearly expressed?

19 That refers to part 14, if I apprehend the  
20 document correctly.

21 THE WITNESS: This intention was expressed --  
22 those words are to be found in paragraph 14 of the  
23 above-mentioned document; the fourteenth installment  
24 or section.

25 THE PRESIDENT: Can you be a little more

1 specific than that? Can you indicate what the words  
2 are?

3 THE WITNESS: In these words: "Thus, the  
4 earnest hope of the Japanese Government to adjust  
5 Japanese-American relations and to preserve and pro-  
6 mote the peace of the Pacific through cooperation with  
7 the American Government has finally been lost. The  
8 Japanese Government regrets to have to notify the  
9 American Government that in view of the attitude of  
10 the American Government, it cannot but consider that  
11 it is impossible to reach an agreement through further  
12 negotiations."

13 THE PRESIDENT: Mr. Brannon.

14 MR. BRANNON: Under the rules, if the  
15 Tribunal please, I feel that I now have the right to  
16 ask one or two short questions.

17 THE PRESIDENT: That was stated by the  
18 Tribunal in your absence, Mr. Brannon. I know you  
19 were working in another room in the building.

20 MR. BRANNON: Still on behalf of the accused  
21 SHIMADA and OKA.

22 CROSS-EXAMINATION (Continued)

23 BY MR. BRANNON:

24 Q You have stated that several of the accused  
25 attended the Liaison Conferences in the capacity of

1 secretaries. I will ask you if they had any vote  
2 in any of the decisions that were there made?

3 A The secretaries had no power to vote.

4 MR. BRANNON: I ask that question, if the  
5 Tribunal please, on behalf of all of the accused who  
6 attended in the capacity of secretaries.

7 THE PRESIDENT: You represent only two, I  
8 think, but--

9 MR. BRANNON: I was whispered to here,  
10 Mr. President.

11 Q Former Admiral ITO, who was Vice-Chief of  
12 Naval General Staff in 1941, is now dead, is he not?

13 A Yes.

14 Q I will ask you if you recall being questioned  
15 by me in my office in this building on March 11 of  
16 this year?

17 A I remember having had a conversation with  
18 you on the 11th of March, but I do not remember having  
19 been interrogated.

20 Q Do you recall that there was a translator  
21 there and also a reporter taking down what you said?

22 A I did not talk with you then on the under-  
23 standing that I was to be interrogated or to be  
24 examined. I merely talked with you on the understanding  
25 that it was to be a mutual conversation. I remember

1 that there was an interpreter and also that there was  
2 a reporter writing our conversation down.

3 Q Do you recall at that time telling me that at  
4 a certain Liaison Conference around the first of  
5 November you had occasion to be with the former  
6 accused Admiral NAGANO in the palace, and there  
7 engaging him in private conversation?

8 A That is true.

9 Q Did you tell me that in these words: "During  
10 the conference I was walking in the compound of the  
11 palace. Admiral NAGANO came to me and said that the  
12 navy doesn't want this war and asked that the Foreign  
13 Office take full responsibility of concluding nego-  
14 tiations with the United States peacefully." Did you  
15 say that?

16 A I do remember that Admiral NAGANO said words  
17 to that effect. However, in order to avoid misunder-  
18 standing, I should like to quote the words which  
19 Admiral NAGANO used in clearer language here. That  
20 is to say, he said that the navy high command still  
21 had the earnest desire of avoiding war as much as  
22 possible; that it had had such a desire and that even  
23 at that date it continued to have such a desire.

24 Admiral NAGANO continued: "Therefore, if  
25 the Foreign Minister will say, 'I will take full

1 responsibility for the amicable solution of these  
2 negotiations,' then I, Admiral NAGANO, will oppose the  
3 opening of hostilities." Correction: "That I, Fleet  
4 Admiral NAGANO, would support the Foreign Minister  
5 and oppose any decision for war," and asked what I  
6 thought about it. In reply, I told Admiral NAGANO  
7 that if everything was to be left completely in the  
8 Foreign Minister's hands, if all conditions were to  
9 be left absolutely up to the Foreign Minister, then  
10 he could take full responsibility for the successful  
11 conclusion of these negotiations; but that I, YAMAMOTO,  
12 felt that in the present state of affairs in which  
13 various conditions were put forth to the Foreign  
14 Minister, and having to negotiate with America on  
15 the basis of these various conditions, I could not  
16 guarantee such a thing; even the Foreign Minister  
17 could not guarantee such a thing.

18 THE PRESIDENT: We will recess for fifteen  
19 minutes.  
20

21 (Whereupon, at 1445 a recess was  
22 taken until 1500, after which the proceedings  
23 were resumed as follows:)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Brannon

4 MR. BRANNON: I believe the witness was  
5 answering a question.

6 Q Had you finished your answer, Mr. Witness?

7 A Yes, I did.

8 Q Do you recall my asking you at that time if  
9 this thought as expressed was typical of the Navy  
10 thought at the Liaison Conference, Mr. YAMAMOTO;  
11 and do you recall answering, "I think it was  
12 representative of the Navy's views in these things?"

13 A What do you refer to?

14 Q The attitude of the then Chief of the Navy  
15 General Staff in reference to peaceful negotiations  
16 with the United States.

17 A I remember having had such a conversation  
18 with him -- with you.

19 Q Now, you have testified that the man in the  
20 Navy Ministry, with whom you had conversations rela-  
21 tive to the make-up of the last notification, was the  
22 accused OKA, have you not?

23 A Yes, I do.

24 Q Did you have many conversations with OKA  
25 relative to this draft?

1           A    I did have several conversations with him.

2           Q    Did not the accused OKA present you with a  
3 corrected copy of the draft, which had been prepared  
4 by him, containing the words, "The Japanese Government  
5 reserves the freedom of action?"

6           THE PRESIDENT: Mr. Tavenner.

7           MR. TAVENNER: If it please the Tribunal,  
8 under the guise of cross-examination it appears to  
9 the prosecution that an effort is being made to  
10 examine this witness as though it were direct exam-  
11 ination in that grossly leading questions are being  
12 asked.

13           THE PRESIDENT: He had the right to examine  
14 in chief, but he did not press for that. He has  
15 earned the right to cross-examine, which would be by  
16 way of leading questions because of something adverse  
17 said.

18           MR. TAVENNER: My only point, your Honor, is  
19 that he should not be permitted to lead the witness on  
20 a matter which is not in contradiction of some previous  
21 testimony.

22           THE PRESIDENT: This is the position: This  
23 witness said something which gave Mr. Brannon the right  
24 to cross-examine on behalf of two of the accused. Is  
25 this question he is putting now related to that matter?

1 MR. TAVENNER: That is the point, your Honor,  
2 that I am raising, that this seems to be a new matter  
3 and he is cross-examining in regard to it and asking  
4 leading questions in a way that would be permissible  
5 if it were cross-examination, in all probability,  
6 but would not be permitted in direct examination.

7 THE PRESIDENT: How is the question you are  
8 putting now, Mr. Brannon, related to the adverse  
9 matter that gave you the right to cross-examine?

10 MR. BRANNON: It was brought out that this  
11 witness conferred with the accused OKA relative to  
12 the drafting of the notification. I do not know  
13 what import the Tribunal may put on that, but I  
14 seek now to show exactly what it was. We accepted  
15 it as having possible adverse tendencies.

16 THE PRESIDENT: You can put any questions  
17 directed to destroying the effect of the adverse  
18 matter, but that is the limit.

19 Put the question again.

20 MR. BRANNON: Will the reporter read the  
21 question back?

22 (Whereupon, the last question was  
23 read by the official court reporter as  
24 follows: "Did not the accused OKA present  
25 you with a corrected copy of the draft,

1       which had been prepared by him, containing  
2       the words, 'The Japanese Government re-  
3       serves the freedom of action?')"

4       MR. TAVENNER: If the Tribunal please, may  
5       I be heard on that?

6       THE PRESIDENT: I thought you abandoned your  
7       ground and took your seat at the table again.

8       MR. TAVENNER: We submit, if the Tribunal  
9       please, that that is purely re-examination on the  
10      original affidavit, that it is not cross-examination.  
11      The only statement in the affidavit to which this  
12      matter refers, we are convinced, is the statement  
13      that this witness conferred with the Chief of the  
14      Navy and Military Affairs Bureau. Now it is being  
15      sought to introduce in evidence in a leading form  
16      statements that were made by the Navy Chief of the  
17      Naval Affairs Ministry, or Bureau, which he could not  
18      do if it were examination in chief.

19      THE PRESIDENT: The witness said something,  
20      not in his affidavit, prejudicial to OKA. What was  
21      that? The question that Mr. Brannon puts now must  
22      be related to that and intended to meet it. That is  
23      a narrow issue.

24      MR. BRANNON: Mr. President, I can withdraw  
25      this question. We can handle it better later on in

1 our individual phase.

2 BY MR. BRANNON (Continued):

3 Q I would like to ask you, Mr. Witness, as my  
4 last question, to explain the function of the secre-  
5 taries at the Liaison Conferences.

6 A The work of the secretaries was the gather-  
7 ing and preparation of subjects for discussion at the  
8 Liaison Conference and also the summing of subjects  
9 already discussed at the Liaison Conference.

10 MR. BRANNON: That concludes my examination.

11 We have one last question.

12 THE PRESIDENT: On whose behalf?

13 MR. BRANNON: On behalf of all the secretaries  
14 who attended. I have been requested by their counsel;  
15 also OKA whom I represent personally.

16 THE PRESIDENT: You told us the secretaries  
17 have no vote. Is that what you want to get out of him?

18 MR. BRANNON: The last question is:

19 Q Could a secretary express his own opinion at  
20 the Liaison Conference?

21 MR. BRANNON: That goes a little further,  
22 Mr. President.

23 A Secretaries could not express their own  
24 opinions.

25 THE PRESIDENT: You heard what he said,

1 Mr. Brannon?

2 MR. BRANNON: I didn't get that.

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1 MR. USAMI: My name is USAMI. I appear  
2 for the accused HIRANUMA and I want to cross-examine  
3 on matters specifically related to my client.

4 THE PRESIDENT: What matters? Were they  
5 matters brought out by the cross-examination?

6 MR. USAMI: Yes, they were.

7 THE PRESIDENT: What matters?

8 MR. USAMI: HIRANUMA attended one or two  
9 liaison conferences during the period of the Third  
10 KONOYE Cabinet.

11 THE PRESIDENT: Mr. Tavenner cross-examined  
12 about attendances at those conferences, but I do not  
13 recollect that HIRANUMA's name was mentioned. He  
14 may have been mentioned by another description.

15 MR. USAMI: My recollection is that Mr.  
16 Tavenner asked the witness whether he remembered any  
17 one of the State Ministers, Ministers without Port-  
18 folio, attended the conference, and the answer of the  
19 witness was that he thought he had remembered seeing  
20 HIRANUMA attending one or two liaison conferences.

21 MR. TAVENNER: That is correct.

22 THE PRESIDENT: Do you admit that, Mr.  
23 Tavenner?

24 MR. TAVENNER: That is correct, your Honor,  
25 with the exception that I recall he said "sometimes"

1 instead of "one or two."

2 THE PRESIDENT: You have the right to  
3 cross-examine.

4 MR. USAMI: Thank you.

5 CROSS-EXAMINATION (Continued)

6 BY MR. USAMI:

7 Q Mr. Witness, do you recall that the Third  
8 KONOYE Cabinet was formed on July 18, 1941?

9 A Yes, I do.

10 Q Do you recall that on the 14th of August  
11 State Minister HIRANUMA, not quite one month after  
12 he had entered the Cabinet, had been attacked by an  
13 assassin and was injured seriously?

14 A I well remember that incident.

15 Q With reference to your recollection of Baron  
16 HIRANUMA attending the Liaison Conference, was it  
17 during this very short period or was it later on that  
18 you recall seeing him attending the Conference?

19 A It is a very faint recollection that I have  
20 of Baron HIRANUMA attending these conferences during  
21 this very short period.

22 Q About how many times do you recall having  
23 met him there?

24 A I do not remember clearly. I believe it was  
25 two, and at the most, three times.

1 Q Were you in attendance at those conferences?

2 A Yes.

3 Q Do you recall the agenda?

4 A No, I do not.

5 Q Do you recall whether or not State Minister  
6 HIRANUMA spoke at any of these conferences?

7 A As far as I remember, State Minister HIRANUMA  
8 made no remarks whatsoever.

9 Q Do you know whether or not State Minister  
10 HIRANUMA, during the tenure of the Third KONOYE Cabinet,  
11 after he had been attacked and injured by assassins,  
12 was able to perform his duties of Minister without  
13 Portfolio or attend conferences?

14 A According to my recollection, Baron HIRANUMA  
15 did not recover sufficiently to be able to attend to  
16 state affairs during the period of the tenure of the  
17 KONOYE Cabinet.

18 THE MONITOR: After the attack on him.

19 MR. USAMI: That concludes my cross-examination.

20 MR. BLAKENEY: There will be no general re-  
21 examination and so far as I am advised, subject to  
22 correction, there will be no re-examination.

23 I therefore ask that the witness be excused  
24 on the usual terms.

25 THE PRESIDENT: He is excused accordingly.

(Whereupon, the witness was excused.)

MR. BLAKENEY: I call as my next witness  
KASE TOSHIKAZU, whose testimony is embodied in his  
affidavit, defense document No. 2063.

- - -

KASE

DIRECT

26,166

1  
2 TOSHIKAZU KASE,

3 called as a witness in behalf of the defense, being  
4 first duly sworn, testified through Japanese inter-  
5 preters as follows:

6 MR. BLAKENEY: Before qualifying the wit-  
7 ness I should like to call attention to a typograph-  
8 ical error in the affidavit: On page 2, paragraph 3,  
9 line 4, between the words "been" and "delivered"  
10 there should be inserted the words "cabled to Wash-  
11 ington to be", so that the sentence will read: "The  
12 memorandum is unrelated to the President's message,  
13 it having been cabled to Washington to be delivered  
14 to Mr. Hull before Mr. TOGO saw the Emperor on the  
15 matter."  
16

17 DIRECT EXAMINATION

18 BY MR. BLAKENEY:

19 Q Please state your name:

20 A KASE, Toshikazu.

21 Q Where is your residence?

22 A Kamakura, Omachi, Tasane 330.

23 Q What is your occupation?

24 A Counsel of Embassy.

25 Q I wish that you be handed defense document

number 2063 and that you examine that and state to

1 the Tribunal whether it is your affidavit, bearing  
2 your signature and seal.

3 A It is my affidavit and bears my signature.

4 Q Are the contents thereof true and correct?

5 A True and correct.

6 MR. BLAKENEY: I offer the affidavit in  
7 evidence.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document 2063  
10 will receive Exhibit Number 2960.

11 (Whereupon the document referred to  
12 was marked Exhibit No. 2960 and received in  
13 evidence.)

14 MR. BLAKENEY: I now read the exhibit which,  
15 omitting the formal parts, is as follows:

16 "1. I entered the Japanese Foreign Ministry  
17 in 1925 and was appointed Chief of the First Section  
18 of the Bureau of American Affairs of that ministry  
19 in November 1941, continuing in that position until  
20 April 1943. In the course of my official duties as  
21 such section chief I was familiar with the matters  
22 herein testified to.

23 "2. Soon after my arrival at the Foreign  
24 Ministry at about 10 o'clock in the morning of 7  
25 December 1941 (Tokyo time), I received information

1 from the Domei News Agency that the United Press  
2 had carried a report to the effect that the State  
3 Department had announced the dispatch of a personal  
4 message by President Roosevelt addressed to His  
5 Majesty the Emperor. I immediately reported the  
6 matter to my superiors, including Messrs. TOGO, the  
7 Foreign Minister, NISHI, Vice Foreign Minister and  
8 YAMAMOTO, the Director of the American Bureau. I  
9 then telephoned to alert Marquis MATSUDAIRA, private  
10 secretary to the Lord Privy Seal, and asked him to  
11 let us know at once when and if the Imperial Palace  
12 received the President's message. For we were under  
13 the impression that, being a personal message, it  
14 would be sent directly to the Emperor, as in the  
15 case of the Panay incident of December 1937. An  
16 urgent telegram was dispatched without delay to Admiral  
17 NOMURA, our Ambassador in Washington, instructing him  
18 to make inquiries into, and report back upon the  
19 matter (telegram No. 905, from TOGO to NOMURA, Defense  
20 Document No. 1401-F-3)," which at this point I offer  
21 in evidence.  
22

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT. Defense Document 1401-  
25 F-3 will receive Exhibit No. 2961.

(Whereupon the document in question

1 from the Domei News Agency that the United Press  
2 had carried a report to the effect that the State  
3 Department had announced the dispatch of a personal  
4 message by President Roosevelt addressed to His  
5 Majesty the Emperor. I immediately reported the  
6 matter to my superiors, including Messrs. TOGO, the  
7 Foreign Minister, NISHI, Vice Foreign Minister and  
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18 to make inquiries into, and report back upon the  
19 matter (telegram No. 905, from TOGO to NOMURA, Defense  
20 Document No. 1401-F-3)," which at this point I offer  
21 in evidence.

22  
23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT. Defense Document 1401-  
25 F-3 will receive Exhibit No. 2961.

(Whereupon the document in question

1 was marked Exhibit No. 2961, and received  
2 in evidence.)

3 MR. BLAKENEY: I shall read the exhibit:

4 "From TOGO to NOMURA.

5 "7 December 1941.

6 "The AP and UP news agencies report that  
7 the State Department has disclosed the dispatch by  
8 the President of a personal telegram to the Emperor.  
9 Make report immediately about the facts thereof."

10 Continuing with the affidavit:

11 "Apparently crossing this telegram on the  
12 way, a short dispatch from Admiral NOMURA arrived  
13 at the Foreign Ministry in the afternoon (telegram  
14 No. 1275 from NOMURA to TOGO, Defense Document No.  
15 1401-E-3)," which I offer in evidence.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Defense Document  
18 No. 1401-E-3 will receive Exhibit No. 2962.

19 (Whereupon the document in question  
20 was marked Exhibit No. 2962, and received in  
21 evidence.)

22 MR. BLAKENEY: I read this telegram, which  
23 is from NOMURA to TOGO, dated 6 December, 1941:

24 "In the evening of the 6th, the Depart-  
25 ment of State disclosed that the President had dis-

1     patched a personal telegram to his Majesty the Emperor.  
2     The contents of the message are unknown, but it is  
3     generally assumed that it concerns the reinforcement  
4     of troops in French Indo-China and the advance into  
5     Thailand, in view of the simultaneous disclosure by  
6     the Department, based on information received,  
7     that in addition to one hundred twenty-five thousand  
8     troops already stationed in French Indo-China, two  
9     corps were moving this morning into the Gulf of Siam  
10    (refer to news dispatch).

11           "The dispatch of the message by the Presi-  
12    dent to the Emperor directly, and not through  
13    diplomatic channels, may, it is considered, be the  
14    result of taking into consideration our steps in  
15    connection with the personal message on the Panay  
16    incident some years ago."

17           Continuing with the affidavit:  
18

19           "This confirming the authenticity of the  
20    press news, I instructed all the staff in my office  
21    to be alerted for urgent work and waited for the  
22    arrival of the message in question. However, as  
23    nothing happened, I got in touch with Marquis MATSUDAIRA  
24    once again in the evening, shortly after 8 P.M., by  
25    telephoning his residence. I was told that the  
   President's message had not arrived yet.

1 "3. At about 10:15 P.M. Mr. TOMODA Jiro,  
2 private secretary to the Foreign Minister, received  
3 a telephone call from the American Embassy request-  
4 ing him to make an appointment around midnight for  
5 the Ambassador to see the Foreign Minister. I under-  
6 stand that Mr. TOMODA asked if the Ambassador could  
7 not wait until the next morning, but was told that  
8 an urgent telegram was being decoded and that the  
9 Ambassador wanted to see Mr. TOGO as soon as it was  
10 ready. Shortly after midnight -- at about 12:30 A.M.,  
11 8 December -- Mr. Grew came to the official residence  
12 of the Foreign Minister where the interview took place;  
13 I was present at this meeting and interpreted the con-  
14 versation. Saying that he had received an urgent  
15 message of the President to the Emperor, Mr. Grew  
16 requested the Foreign Minister to arrange an audience  
17 for him. Mr. TOGO replied that it was unusual to  
18 take action on a request for audience at midnight,  
19 and inquired about the substance of the message. There-  
20 upon, the Ambassador left a copy of the message with  
21 Mr. TOGO for the latter's reference, and took leave  
22 of the Foreign Minister after repeating his request  
23 for the audience, stressing the extreme gravity of  
24 the situation. The interview lasted about 15 minutes  
25 Mr. TOGO gave me the copy and asked me to translate

1 it into Japanese as quickly as possible. I did so  
2 with the help of my staff. I still vividly remember  
3 the very tense atmosphere that prevailed in my office,  
4 where everybody worked frantically in order to avoid  
5 delay in translating the message. Meanwhile, Mr.  
6 TOGO got in touch with Marquis KIDO, the Lord Privy  
7 Seal, by telephone, asking him to arrange for him to  
8 report the matter to the Throne. He then, I understand,  
9 went to the Premier's residence, consulted with  
10 General TOJO, and left his official residence at  
11 about 2 A.M. for the Imperial Palace, there inform-  
12 ing the Emperor of the President's message and receiv-  
13 ing the answer to be sent through the American Ambass-  
14 ador.

15 "4. In accordance with instructions given  
16 me on the previous day, I requested Mr. Grew early  
17 in the morning of 8 December to call on the Foreign  
18 Minister. This was originally for the purpose of  
19 handing to the Ambassador a copy of the memorandum  
20 of the Japanese Government, terminating the diplomat-  
21 ic conversations, which had been delivered by Admiral  
22 NOMURA at Washington to the American Government. This  
23 meeting would have taken place even if Mr. Grew had  
24 not paid the midnight visit to the Foreign Minister  
25 in connection with the President's message. Mr. Grew

1 came to the Foreign Minister's official residence  
2 at about 7:30 A.M., at which time I was again pres-  
3 ent at the meeting interpreting the conversation.  
4 Mr. TOGO gave the Ambassador a copy of the memoran-  
5 dum with the remark that it was a copy of the document  
6 already delivered to the American Government by  
7 Admiral NOMURA. He told the Ambassador also that  
8 during the night he had had occasion to learn the  
9 wishes of the Emperor in regard to the President's  
10 message, and orally transmitted the reply which was  
11 later written out at the Ambassador's request (Exhibit  
12 1247).

13 "Although Mr. Grew seems to be under the  
14 impression that the memorandum of the Japanese Gov-  
15 ernment constituted the Emperor's reply, this is a  
16 misunderstanding on his part. The memorandum is  
17 unrelated to the President's message, it having been  
18 cabled to Washington to be delivered to Mr. Hull  
19 before Mr. TOGO saw the Emperor on the matter.

20 "5. We in the Foreign Ministry, including  
21 Mr. TOGO, had no slightest suspicion that the Commun-  
22 ications Ministry might delay the delivery of  
23 telegrams addressed to the American Embassy. More-  
24 over, we did not think that the President's message  
25 would be delivered to the Embassy. We took it for

1 granted that it was addressed directly to the Emperor.  
2 Such an assumption was in fact supported by Admiral  
3 NOMURA'S telegram (No. 1275), Defense Document No.  
4 1401-E-3)," that is, Defence Exhibit No. 2962, "which  
5 said that the President had sent his message directly  
6 to the Emperor without going through the usual diplo-  
7 matic channels. We, therefore, waited anxiously  
8 for word from the Imperial Palace of the arrival of  
9 the message. That being the case, the Foreign Ministry  
10 had no idea regarding the substance of the message.  
11 In fact, Mr. TOGO learned the content of the message  
12 only when the American Ambassador brought it to his  
13 attention at the midnight interview above described."

14 You may cross-examine.  
15  
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1 THE PRESIDENT: Mr. Tavenner.

2 CROSS-EXAMINATION

3 BY MR. TAVENNER:

4 Q Mr. KASE, was it the practice in the Foreign  
5 Ministry to send a messenger from the Foreign Minis-  
6 try to the Ministry of Communications daily for such  
7 telegrams as would interest the Foreign Ministry?

8 A We of the First Section of the American  
9 Bureau -- Bureau of American Affairs had nothing to  
10 do with this and consequently didn't know anything  
11 about it.

12 Q Do you mean to state that you don't know  
13 whether or not it was the practice to send a messenger  
14 to the Communications Ministry each day?

15 A Not necessarily.

16 Q I am unable to hear you.

17 A Not necessarily.

18 THE PRESIDENT: How does "necessarily" come  
19 into it? You asked about a practice.

20 THE WITNESS: What I meant was that we did  
21 know that a messenger was sent. We did know that mes-  
22 sengers were sent daily. However, since our section  
23 did not handle such affairs we didn't know for what  
24 purpose -- what specific purpose such messengers were  
25 sent.

BY MR. TAVENNER:

1 Q But you do know that messengers were sent daily  
2 to pick up telegrams in which the Foreign Ministry was  
3 interested, do you not?

4 A I don't know whether they went every day.  
5 However, I do know there was such a practice.

6 Q On this particular occasion you knew a day  
7 or more in advance that an important message was to be  
8 received or had been sent from the President of the  
9 United States?

10 A As is written in my affidavit, I did know of  
11 that.

12 Q What action did the Foreign Ministry take  
13 about sending a messenger for this important message  
14 from the President of the United States?

15 A As I have already told you, this had nothing  
16 to do with the First Section of the American Affairs  
17 Bureau. Therefore I don't know anything about it.

18 Q Well, you were interested in seeing the tele-  
19 gram, were you not?

20 A Yes. As you say, we were waiting for the  
21 arrival of that telegram.

22 Q Why did you not follow the accustomed prac-  
23 tice of sending a messenger to pick up the telegram?

24 A At that time the Communications Ministry was  
25

1 not even in our minds. All we were thinking of was  
2 about the Imperial Household Ministry. We were sure  
3 that that was where the telegram would go, and that is  
4 where our attention was directed.

5 Q Then, on this particular day you abandoned  
6 the accustomed practice of sending a messenger for  
7 cables that were of interest to the Foreign Ministry?

8 A This practice of sending a messenger to the  
9 Communications Ministry had been carried on in the  
10 past entirely separate from the Bureau of American  
11 Affairs. That is to say, the American Affairs Bureau  
12 had nothing whatsoever to do with it. Therefore on  
13 this occasion also the Bureau of American Affairs had  
14 no thought even of the Communications Ministry.

15 Q When you inquired first as to whether or not  
16 this message from the President had been received by  
17 the Emperor and you were advised that it had not been,  
18 why didn't you send a messenger then, according to the  
19 usual practice?

20 A Since other bureaus and other sections were  
21 handling relations with the Communications Ministry,  
22 and since our bureau had nothing whatsoever to do with  
23 the Communications Ministry, we did not take up that  
24 matter.

25 Q Is not the real reason why you did not bother

1 to send a messenger the fact that you knew that an  
2 order had been entered to hold up the delivery of  
3 messages for, I believe it was, ten hours?

4 A That is absolutely contrary to the facts.  
5 To begin with, it wasn't our job to communicate with  
6 the Communications Ministry; and secondly, we didn't  
7 know at the time that an order had been issued to the  
8 Communications Ministry to hold up telegrams. In  
9 fact, we didn't know of it until a witness from the  
10 Communications Ministry testified to that effect last  
11 year.

12 Q Well, now, did you not know, as a matter of  
13 fact, that the contents of this message were being dis-  
14 cussed in the afternoon over the telephone between  
15 the Army General Staff and the Communications Ministry?

16 A I didn't know about that at all.

17 Q Well, you know now, do you not, that the  
18 matter was being discussed in the afternoon between  
19 that ministry and the Army General Staff?

20 A Yes, I heard of that. I became aware of that  
21 through the testimony of the witness from the Communi-  
22 cations Ministry last year.

23 MR. TAVENNER: That is all.

24 MR. BLAKENEY: There will be no re-examina-  
25 tion.

1 May the witness be excused on the usual  
2 terms?

3 THE PRESIDENT: He is excused accordingly.

4 (Whereupon, the witness was excused.)

5 MR. BLAKENEY: I call as my next witness  
6 MATSUDAIRA Yasumasa, whose testimony is embodied in  
7 his affidavit, defense document 1030, revised.

8 Y A S U M A S A M A T S U D A I R A, called as a  
9 witness on behalf of the defense, being first  
10 duly sworn, testified through Japanese interpre-  
11 ters as follows:

12 DIRECT EXAMINATION

13 BY MR. BLAKENEY:

14 Q Mr. Witness, please state your name and resi-  
15 dence.

16 A My name is MATSUDAIRA Yasumasa. My address  
17 is No. 912 Yoyogi Nishihara Machi, Shibuya-Ku, Tokyo.

18 Q Will you please examine defense document 1030,  
19 which is being handed to you, and state whether that  
20 document is your affidavit, bearing your signature and  
21 seal.

22 A Yes, this is mine.

23 Q Are the contents thereof true and correct?

24 A Yes.

25 MR. BLAKENEY: I offer in evidence the affi-

1     davit, defense document No. 1030.

2             THE PRESIDENT: Admitted on the usual terms.

3             CLERK OF THE COURT: Defense document 1030  
4     will receive exhibit No. 2963.

5             (Whereupon, the document above referred  
6     to was marked defense exhibit 2963 and received  
7     in evidence.)

8             MR. BLAKENEY: I read the affidavit, which,  
9     omitting the formal parts, is as follows:

10            "1. I was the private secretary to the Lord  
11     Keeper of the Privy Seal from June 1936 to November 1945.

12            "2. I received a telephone call from Mr. KASE,  
13     an official of the Foreign Ministry, in the morning  
14     of 7 December 1941 at the Imperial Household Ministry.  
15     He told me that the Foreign Ministry had received a  
16     telegram from Washington reporting that a personal  
17     telegram had been dispatched from the American Presi-  
18     dent to the Emperor, and asked me if the telegram had  
19     been delivered directly to the Imperial Household Min-  
20     istry. I told him, however, that the Imperial House-  
21     hold Ministry had not received such a telegram.

22            "On the same day about 8:30 p. m. when I was  
23     at my private residence, Mr. KASE telephoned and asked  
24     me again about the above-mentioned private telegram  
25     from American President. Thereupon, I immediately in-

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2             THE PRESIDENT: Admitted on the usual terms.

3             CLERK OF THE COURT: Defense document 1030  
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14     of 7 December 1941 at the Imperial Household Ministry.  
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16     telegram from Washington reporting that a personal  
17     telegram had been dispatched from the American Presi-  
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19     been delivered directly to the Imperial Household Min-  
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21     hold Ministry had not received such a telegram.

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23     at my private residence, Mr. KASE telephoned and asked  
24     me again about the above-mentioned private telegram  
25     from American President. Thereupon, I immediately in-

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14     of 7 December 1941 at the Imperial Household Ministry.  
15     He told me that the Foreign Ministry had received a  
16     telegram from Washington reporting that a personal  
17     telegram had been dispatched from the American Presi-  
18     dent to the Emperor, and asked me if the telegram had  
19     been delivered directly to the Imperial Household Min-  
20     istry. I told him, however, that the Imperial House-  
21     hold Ministry had not received such a telegram.

22            "On the same day about 8:30 p. m. when I was  
23     at my private residence, Mr. KASE telephoned and asked  
24     me again about the above-mentioned private telegram  
25     from American President. Thereupon, I immediately in-

1 quired of the office of the Chamberlain (Jijushoku)  
2 and of the officer on duty in the Ministry about the  
3 matter, and informed him (Mr. KASE) that the Ministry  
4 had received no such telegram as yet.

5 "Later on, after 12 o'clock of the same night,  
6 Mr. KASE called me by phone and informed me that the  
7 American Ambassador in Tokyo had conveyed the tele-  
8 gram of the President to the Foreign Minister."

9 You may cross-examine.

10 MR. TAVENNER: If the Tribunal please, there  
11 will be no cross-examination.

12 MR. BLAKENEY: I ask that the witness be ex-  
13 cused on the usual terms.

14 THE PRESIDENT: He is excused accordingly.

15 (Whereupon, the witness was excused.)

16 We will adjourn now until half-past nine to-  
17 morrow morning.

18 (Whereupon, at 1600, an adjournment was  
19 taken until Tuesday, 19 August, 1947, at 0930.)  
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